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# HANSARD'S PARLIAMENTARY DEBATES,

THIRD SERIES:

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

37° & 38° VICTORIÆ, 1874.

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VOL. CCXXI.

COMPRISING THE PERIOD FROM

THE FIFTEENTH DAY OF JULY 1874,

TO

THE SEVENTH DAY OF AUGUST 1874.

*Fourth and Last Volume of the Session.*

LONDON:

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WAYS AND MEANS—Order for Committee read :—Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair:"—

MONASTIC AND CONVENTUAL INSTITUTIONS—MOTION FOR AN ADDRESS—

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House, Copies and Translations of any Laws, Ordinances, or Regulations relating to Monastic and Conventual Institutions connected with the Church of Rome, and to the inmates or members thereof, especially to the regular Orders of the Church of Rome, which may be enforced by the authority of the State, and are at present operative in France, in the German Empire, in the Austro-Hungarian Empire, in the Russian Empire, in Italy, in Sweden and Norway, in Belgium, in Spain, in Portugal, and in Switzerland,"—(*Mr. Newdegate.*)—instead thereof .. 830

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WAYS AND MEANS—*Resolved*, That this House will immediately resolve itself into the Committee of Ways and Means.

### Registration of Births and Deaths Bill [Bill 224]—

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### Vaccination Act, 1871, Amendment Bill (*Lords*) [Bill 226]—

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[Bill 234.]

### PUBLIC SALARIES, PENSIONS, GRANTS, &c.—MOTION FOR RETURNS—

*Moved*, "That there be laid before this House, Returns of all Persons in England, Scotland, Ireland, the Channel Islands, Colonies, and British Possessions abroad, receiving Salaries, Pensions, Pay, Profits, Fees, Emoluments, Allowances, or Grants of Public Money in the year ending the 31st day of March 1874, to the amount of £150 and upwards:

"And, of the total number of Persons in each Department in receipt of less than £150, with the aggregate amount paid to them, the form and particulars to be in continuation of Parliamentary Paper, No. 100, of Session 1862, with the additions specified as to the number of persons in receipt of less than £150 per annum,"—(*Mr. Mellor*) .. .. . 844

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### Supreme Court of Judicature Act (1873) Suspension Bill — *Ordered* (*Mr.*

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After short debate, *Moved*, “That the Chairman do report Progress, and ask leave to sit again,”—(*Mr. Dillwyn*):—After further short debate, Question put:—The Committee *divided*; Ayes 34, Noes 72; Majority 38.

Original Question put:—The Committee *divided*; Ayes 74, Noes 42; Majority 32.

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### India Councils Bill (*Lords*) [Bill 154]—

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Amendment proposed,

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Question proposed, "That the words proposed to be left out stand part of the Question:"—After short debate, Question put:—The House <i>divided</i> ; Ayes 50, Noes 31; Majority 19.	
Main Question put, and <i>agreed to</i> :—Second Reading <i>deferred</i> till <i>Monday</i> .	

### IRISH CHURCH ACT (COMMUTATION)—MOTION FOR A RETURN—

<i>Moved</i> , "That there be laid before this House a Return of the number, names, and present residences or livings of Clergymen and Ecclesiastics of whatever grade in the Irish Church who up to the end of July, 1874, have, under the Irish Church Act, commuted and compounded; stating the annual value of their livings, the amount of commutation agreed on, and the amount of composition paid in each case,"—( <i>Mr. Edward Jenkins</i> ) .. .. .	1107
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Another Amendment made, by leaving out the words "and the amount of composition paid in each case," and after the word "livings," inserting the word "and."	
Main Question, as amended, put, and <i>agreed to</i> .	
Return <i>ordered</i> , "of the number, names, and present residences or livings of Clergymen and Ecclesiastics of whatever grade in the Irish Church who up to the end of July, 1874, have, under the Irish Church Act, commuted; stating the annual value of their livings, and the amount of commutation agreed on."	

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After long debate, Question put, and *agreed to*.

Resolution to be reported *To-morrow*.

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<b>Church Patronage (Scotland) Bill</b> ( <i>Lords</i> ) [Bill 234]—	
<i>Moved</i> , “That the Order for the Third Reading be read and discharged, and that the Bill be re-committed in respect of Clause 3, 5, 7, and 8,”	
—( <i>The Lord Advocate</i> ) .. .. .	1221
After short debate, Motion <i>agreed to</i> :—Bill <i>considered</i> in Committee.	
After short time spent therein, Bill <i>reported</i> ; as amended, <i>considered</i> ; read the third time, and <i>passed</i> , with Amendments.	
<b>Supreme Court of Judicature Act (1873) Suspension Bill</b> [Bill 235]—	
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Question proposed, “That the word ‘now’ stand part of the Question:”	
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<b>FIJI ISLANDS—ANNEXATION—RESOLUTION—</b>	
<i>Moved</i> , “That this House is gratified to learn that Her Majesty’s Government have yielded to the unanimous request of the Chiefs, Native population, and White residents of Fiji, for annexation to this Country, so far as to direct Sir Hercules Robinson to proceed to those Islands, with a view to the accomplishment of that object,”—( <i>Mr. William M’Arthur</i> ) .. .. .	1264
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To leave out from the word “That” to the end of the Question, in order to add the words “this House considers that, having regard to the existence in the case of Fiji of difficulties caused by the necessity of ‘subjugating and removing’ 20,000 ferocious mountaineers, and by the fact that domestic slavery is pronounced by Commodore Goodenough and Consul Layard, in their official Report, to be ‘the foundation of social order’ in Fiji, it is necessary that great caution should be used in approaching the subject of annexation,”—( <i>Sir Charles W. Dilke</i> ,)—instead thereof.	
Question proposed, “That the words proposed to be left out stand part of the Question :”—After debate, Question put :—The House <i>divided</i> ;	
Ayes 81, Noes 28 ; Majority 53.	
Main Question put, and <i>negatived</i> .	
<b>POST OFFICE—WEST INDIA MAIL CONTRACT—RESOLUTION—</b>	
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Amendment proposed,	
To leave out from the word “That” to the end of the Question, in order to add the words “so much of the West India Mail Contract as authorises the sum of £2,000 per annum for calling at Plymouth with the homeward Mails be not sanctioned,”—( <i>Mr. David Jenkins</i> ,)—instead thereof.	
Question proposed, “That the words proposed to be left out stand part of the Question :”—After short debate, Amendment, by leave, <i>withdrawn</i> :—Main Question put, and <i>agreed to</i> .	
<b>POST OFFICE—EAST INDIA, CHINA, AND JAPAN MAILS CONTRACT—RESOLUTION—</b>	
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Question proposed, “That the word ‘approved’ stand part of the Question :”—After short debate, Question put :—The House <i>divided</i> ;	
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- Moved*, "That, having regard to the importance of the changes in the constitution of the Dublin University, and the period at which the draft of the proposed Queen's Letter has been laid upon the Table of this House, it is desirable that, before they are finally sanctioned, a fuller opportunity should be afforded for their consideration than is possible during the present Session,"—(*Mr. Butt*) .. 1325
- After short debate, *Moved*, "That the Debate be now adjourned,"—(*Mr. Fawcett* :)—Motion *agreed to* :—Debate *adjourned till To-morrow*.

## LORDS, WEDNESDAY, AUGUST 5.

### Public Worship Regulation Bill (*Lords*)—

Returned from the Commons with the amendments to which the Lords have disagreed *not insisted on*, and the amendments made by the Lords to the amendments made by the Commons *agreed to*.

## COMMONS, WEDNESDAY, AUGUST 5.

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### Open Spaces (*Metropolis*) Bill [Bill 230]—

- Moved*, "That the Bill be now read a second time,"—(*Sir William Fraser*) 1372
- Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day month,"—(*Mr. Secretary Cross*.)
- Question proposed, "That the word 'now' stand part of the Question: "—After short debate, Question put, and *negatived*.
- Words *added* :—Main Question, as amended, put, and *agreed to* :—Second Reading *put off* for one month.

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<i>Moved</i> , "That it is expedient that the payment of First Fruits to the Governors of Queen Anne's Bounty should be abolished, and that there should be a revaluation of all dignities and benefices in England and Wales, with a view to an equitable readjustment of Tenths on a moderate and graduated scale,"—( <i>Mr. Monk</i> )	1380
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<i>Moved</i> , "That this House is of opinion that an investigation into the conduct of the Magistrates referred to by the learned Judge is necessary in the interests of impartial justice, of peace, and good order in Ireland,"—( <i>Mr. McCarthy Downing</i> ) ..	1413
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<b>GOLD COAST (HONOURS FOR SERVICES)—MOTION FOR AN ADDRESS—</b>	
<i>Moved</i> , "That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to confer a clasp as well as a Medal on those Officers and Men in Her Majesty's Service who took part in engagements with the Ashantees south of the River Prah, after the late War broke out, and before the arrival of the European Troops, especially at Elmina, Essaman, Abra Krampa, and Donquah, and who thereby materially caused the retreat of the enemy from the Protectorate into his own Country,"—( <i>Sir Eardley Wilmot</i> ) .. .. .	1414
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<b>PROROGATION OF THE PARLIAMENT—</b>	
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Then a Commission for proroguing the Parliament was read.	
After which,	
THE LORD CHANCELLOR said—	
<i>My Lords, and Gentlemen,</i>	
By virtue of Her Majesty's Commission, under the Great Seal, to us and other Lords directed, and now read, we do, in Her Majesty's Name, and in obedience to Her Commands, prorogue this Parliament to Friday the Twenty-third day of October next, to be then here holden; and this Parliament is accordingly prorogued to Friday the Twenty-third day of October next.	
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# LORDS.

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SAT FIRST.

TUESDAY, JULY 28, 1874.

The Lord St. John of Bletso, after the Death of his Father.

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# COMMONS.

NEW WRITS ISSUED.

FRIDAY, JULY 17, 1874.

For *Stroud*, v. John Edward Dorington, esquire, void Election.

FRIDAY, JULY 24.

For *Kidderminster*, v. Albert Grant, esquire, void Election.

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NEW MEMBERS SWORN.

TUESDAY, JULY 28, 1874.

*Stroud*—Henry Robert Brand, esquire.

MONDAY, AUGUST 3.

*Kidderminster*—Sir William Augustus Fraser, baronet.

# HANSARD'S PARLIAMENTARY DEBATES,

IN THE

*FIRST SESSION OF THE TWENTY-FIRST PARLIAMENT OF THE  
UNITED KINGDOM OF GREAT BRITAIN AND IRELAND,  
APPOINTED TO MEET 5 MARCH, 1874, IN THE THIRTY-  
SEVENTH YEAR OF THE REIGN OF*

**HER MAJESTY QUEEN VICTORIA.**

FOURTH AND LAST VOLUME OF THE SESSION.

HOUSE OF COMMONS,

*Wednesday, 15th July, 1874.*

MINUTES.]—PUBLIC BILL.—*Second Reading*—  
Public Worship Regulation [176].

ARMY—RETIREMENT OF INDIAN  
OFFICERS.—QUESTION.

COLONEL JERVIS asked the Under Secretary of State for India, Whether, after further inquiry, he is in a position to maintain his statement that it is not the case that not only did the rank of substantive Major exist in the regiments of Artillery of the several Indian Presidencies in 1824, but that it was continued up to 1858-9, during which period there was no such rank as 1st Captain; whether Clause 2 of Royal Warrant, 5th July 1872, promoting 1st Captains of Artillery to majorities, does not state that such promotion was made because it was "expedient;" and Clauses 9 and 11 of the Warrant distinctly assert that the regulations con-

tained therein respecting retirements on full pay only affect officers "not subject to Indian retiring regulations;" and, if the purport of the Clauses of the Warrant is correctly set forth, if he will explain to the House how the Warrant affects or supersedes the guarantee afforded by the Act 21 and 22 Vic., c. 106, as to the retirement of Officers of the late East India Service under G. O. 12th August 1824, as regards Majors of Artillery any more than Majors of the Cavalry or Infantry, so commissioned on or after the 5th July 1872?

LORD GEORGE HAMILTON: Sir, as this is the third series of long categorical questions which I have had both to read as well as answer, it is not to be wondered at if my Answers have not been as clear as I could wish. The rank of substantive Major did exist in the regiments of Artillery in the several Indian Presidencies in 1824, and continued to do so until 1858-9, when it was abolished, and the Majors were made Lieutenant-Colonels. What I said the other day—namely, "that Majors were

promoted by Royal Warrant of July, 1871, from the rank of 1st Captain, thus altering the existing regulations of 1824, under which there were no Majors of Artillery"—does not clearly express what I had intended to say—namely, that at the time when the Warrant was issued there were no Majors of Artillery to whom the regulations of 1824 applied. The Royal Warrant of the 5th July, 1872, was not made applicable to India, although it affected the rank and designation of officers serving there as elsewhere. The pay of all officers serving there and the retired pay of those under Indian rules were laid down by General Order, dated the 15th August, 1872. The Royal Warrant of July, 1872, in no way affects the guarantee afforded by the Act 21 and 22 Vic., c. 106, it being a Warrant issued by the War Office and applicable to Officers of the British Army.

#### PARLIAMENT—ORDER OF PUBLIC BUSINESS.

##### POSTPONEMENT OF ORDERS OF THE DAY.

MR. DISRAELI in rising to move, "That the Orders of the Day, this day, be postponed until after the Order for the Adjourned Debate on the Second Reading of the Public Worship Regulation Bill," said, that in taking that course, he had followed a precedent which had been set by the late Government, acting under advice, in 1872, and which precedent he thought the present state of Public Business justified him in adopting. It might seem to some hon. Gentlemen, that the Motion to which he had asked the House to assent was an innovation and an interference with the privileges of private Members; but there could be no one who occupied the office which he had the honour to hold, who would be more reluctant to invade those privileges. He might, however, observe that the Bill in favour of which he was making the present Motion was one which had been introduced to the House by a private Member. The right hon. Gentleman concluded by moving the Resolution.

Motion made and Question proposed,

"That the Orders of the Day, this day, be postponed until after the Order for the Adjourned Debate on the Second Reading of the Public Worship Regulation Bill."—(*Mr. Disraeli*.)

*Lord George Hamilton*

MR. KNATCHBULL-HUGESSEN said, he did not wish to raise any factious opposition to the course proposed by the right hon. Gentleman. He had no doubt the right hon. Gentleman had adopted that course after due consideration, and in accordance with what he believed to be the general wish of the House. At the same time, he begged to enter a protest against the course about to be adopted, especially with regard to a measure which was not a Government measure. If hon. Members looked at the Orders of the Day, they would find down, in the name of a private Member, the Women's Disabilities Removal Bill, in favour of which Petitions signed by upwards of 400,000 had been presented. He was sure the advocates of that measure were anxious to ascertain the opinion of a new Parliament upon it, and it was rather hard that a measure, in favour of which so many people had petitioned, should not have been selected by the Government for the course of proceeding adopted now, rather than one which came before the House for the first time, and had as yet received so much less a share of public attention. He saw no good reason why that measure should be postponed till after the discussion on the Public Worship Bill; but he would not oppose the Motion. The right hon. Gentleman opposite, however, must understand that, in taking advantage of the assistance offered by the Government to carry the Bill through, he must expect on the part of the minority, that every clause and every line of the Bill would be discussed as fully as if it had been introduced at an earlier period of the Session. ["Oh, oh!"] With great respect to the hon. Gentlemen who constituted the majority, he must repeat that the minority would oppose the Bill, because they thought it was of too great importance to be discussed at that period of the Session; and the large number of persons affected by it, who had not been consulted before its introduction would not be satisfied unless it received the fullest consideration at the hands of the House.

MR. MUNTZ said, he could not help expressing his surprise at the announcement just made by the right hon. Gentleman the Member for Sandwich (*Mr. Knatchbull-Hugessen*). If every clause and every line of a Bill of such importance were to be discussed merely for

the purpose of delay, he should like to know how Parliamentary Government was to be carried on. It was perfectly true that the Bill had been introduced by a private Member (the right hon. and learned Recorder), but then it came down to the House with the prestige of the highest authorities of the Church, and ought not to be put in the same category as a Bill for the removal of the disabilities of women, if anyone could tell what that meant. He hoped, therefore, his right hon. Friend would not carry his opposition to it, so far as he had declared himself prepared to do in opposing every clause and line contained in it.

MR. BERESFORD HOPE said, that as one who had several Notices relating to Amendments in the Bill on the Paper, he must protest against the imputation which was conveyed in the language of the hon. Member for Birmingham (Mr. Muntz), that hon. Members wished to oppose the Bill factiously. He had no intention of discussing every line of the measure, though he might have something to say on every clause, as he hoped to see that each would be fully considered, supposing the Bill got into Committee. He had observed before, and he now repeated the statement, that there was no time to deal with the Bill satisfactorily, and that it was inopportune; but if the House would insist on going on with it, he should not be prevented from endeavouring to make it as little bad a measure as possible. He should be wanting in proper respect to his Diocesan, the Archbishop of Canterbury, if he did not take that course, and, therefore, undeterred by what had fallen from the hon. Member for Birmingham, he would, whether it was the 5th or the 12th of August, whether it was hot or cold, go through the Bill as steadily and quietly in Committee as if it were February or March. He repudiated, at the same time, anything like factious opposition, and he could not sit down without expressing the gratification with which he had heard from the mouth of the hon. Member for Birmingham the announcement that one Archbishop was worth all the women of England.

MR. HORSMAN said, he was surprised to hear it laid down that it was too late in the Session to discuss the Bill properly; because, if that were the case,

it ought to be too late to discuss the six Resolutions which had been submitted to the House as the basis of a measure, and the right hon. Gentleman the Member for Greenwich ought not to have brought them forward at all. After the Resolutions were proposed, the Government were challenged to do what they had done, and, for his own part, he thought that it would have been discreditable to the Government and disgraceful to the House to have to run away from the discussion. So much, indeed, did he feel the importance of the question at issue, that if it were necessary to sit into September, or October, or even November, to pronounce an opinion upon it, the House, in his opinion, was bound to do so, rather than leave the subject in the position in which it now stood.

MR. HUSSEY VIVIAN greatly regretted the expressions which had fallen from his right hon. Friend below him. The position which the right hon. Gentleman occupied on the front Opposition bench lent to what he said a greater importance than attached to what fell from hon. Members generally, and he rose for the purpose of protesting against the use of such language, and against its being supposed that the right hon. Gentleman represented in any way the sentiments of himself, or, he believed, of the great majority of those who sat on the Opposition side of the House. When the right hon. Gentleman announced that he would oppose every clause and every line of the Bill—

MR. KNATCHBULL - HUGESSEN explained that what he meant to say was, not that any factious opposition would be attempted for the mere purpose of delay, but that every clause and every line ought to be discussed as fully as if the Bill had been introduced earlier in the Session.

MR. HUSSEY VIVIAN failed to appreciate the difference; but, at any rate, he protested against his proposed line of proceeding, which was calculated to obstruct the passage of the Bill. Those behind the front Opposition bench could not be satisfied with such a course.

MR. W. E. FORSTER said, his right hon. Friend the Member for Liskeard talked about October and November, and, no doubt, all would agree that it would be better to take that course, and that they would submit to any sacrifice of time,

for it was undesirable that so important a question as that under discussion should be left unsettled longer than was necessary. It would be as well, therefore, he thought, that the House should consider the work it had to do, and address itself to it without wasting its time in preliminary discussion. He was quite sure, he might add, that the words of his right hon. Friend near him (Mr. Knatchbull-Hugessen) had been misunderstood, and all that he meant to convey was, that the late period of the Session must not prevent the Bill from receiving the consideration which its importance demanded. For his own part, he (Mr. Forster) regretted the relation in which the House stood to the Government in regard to the measure. He thought it ought to have been a Government measure; but they having given facilities to a private Member to bring it forward in the first instance, it was their duty to endeavour now to persuade the House to afford every facility for its discussion; and it was, he thought, the duty of the House to support the Government in that intention.

Question put, and agreed to.

*Ordered*, That the Orders of the Day, this day, be postponed till after the Order for the Adjourned Debate on the Second Reading of the Public Worship Regulation Bill.

Mr. DISRAELI, in moving—

"That the Standing Orders respecting the sittings of the House on Wednesdays be suspended, this day, until the Adjourned Debate on the Public Worship Regulation Bill shall have been disposed of,"

said, the object of the Motion was simply to secure to both sides of the House as ample a time as possible for a discussion of the measure. With reference to an observation that there were several important Bills of private Members—such as the Women's Disabilities Bill—which the House ought to have an opportunity of considering, he would only say that by securing a decision to-day on the second reading of the Public Worship Bill, the present Motion would probably have the effect of giving hon. Members more time than they would otherwise have for the transaction of other Business.

Motion made, and Question proposed,

"That the Standing Orders respecting the sittings of the House on Wednesdays be suspended, this day, till the Adjourned Debate on the Public Worship Regulation Bill shall have been disposed of."—(Mr. Disraeli.)

Mr. W. E. Forster

Mr. SCOURFIELD said, the question raised by the Motion was totally different from that which had preceded it. It involved the introduction of a precedent, which ought not to be allowed to pass without note or comment. During the 22 years that he had been a Member of that House no such proposal had ever been made. There was one solitary exception, but of so peculiar a character that it hardly deserved to be called a precedent. A similar proposal had been made, but it was on the 6th of August, when hon. Members urgently desiring to bring the Session to a close, assented to the proposal, in order that a certain measure might be passed through its various stages as quickly as possible. He had no sort of sympathy with the practices which had given occasion to the present Bill, but he was opposed to anything like straining the Forms of the House in favour of a measure which some persons looked upon as of a judicial, and still more of a penal nature. It was very undesirable to create martyrs, especially that kind of martyrdom now prevalent in this country, which might be described as picturesque rather than painful, since the subjects of it knew that nothing would happen to them but an expression of public sympathy on their behalf. He fully admitted that the Bill was of great importance, but he questioned whether it was one of such pressing necessity as to justify them in straining the Forms of the House.

Mr. SPEAKER pointed out that any discussion of the merits of the Bill would, on the present Motion, be premature and irregular.

Mr. SCOURFIELD said, he merely desired to show that the measure was one which could be postponed till next Session, it being one that would not be materially damaged by delay. If it were a Bill brought forward under very urgent circumstances—for the suspension of the Bank Charter Act, or for any matter of imperative necessity—the case would be very different. He believed that when it was thoroughly understood in the country that the House was in earnest in this matter, the irregular practices complained of would gradually die away.

Mr. J. G. TALBOT earnestly appealed to the Prime Minister to reconsider the course he had decided to take on the present occasion, though he (Mr.



Talbot) had no sympathy with any hon. Member who chose to obstruct the passage of the Bill by any of the artifices which were known to minorities. The only precedent for the present Motion was one which occurred on the 6th of August, 1872, when it was thought necessary to get a Liquor Bill passed before the Session closed. But the present case was altogether different as to circumstances. This was the middle of July, and not the beginning of August, and the step was proposed to be taken in reference to a Bill introduced by a private Member. The suspension of Standing Orders on Wednesdays involved what he might call the charter of the liberty of private Members. He had always considered that the stoppage of Business at 6 o'clock on that day was requisite to prevent physical exhaustion of hon. Members, who would not otherwise be able to carry on their duties during the other days of the week. Governments were not immortal, and the next one to that might find it convenient to press on the Bill of another private Member, and to do so on the basis of the precedent the House was now invited to establish. That was a precedent which the Conservative party might hereafter sorely repent, and his feeling on the question was so strong that though he was not prepared himself to divide the House upon it, he should certainly support any hon. Member who might do so.

MR. HORSMAN again warned the House, as he had done on a former occasion, against making a precedent encroaching on the rights of a minority; the rights of a minority being the great feature of a constitutional, as distinguished from a despotic, Government. The rights of a minority were as sacred as those of the majority. The question they had to consider was, whether they were justified in suspending Standing Orders for the express purpose of limiting the speeches of the minority, for it was nothing more nor less than that? The right hon. Member for the University of Oxford (Mr. Hardy) got up the other night and told the Prime Minister there was an objection to Wednesday, because then the opponents of the Bill would have an opportunity of talking it out, and the answer of the Government to that was—"Oh, but we are going to suspend the Standing Orders for that day." He agreed with the hon. Gen-

tleman opposite (Mr. Talbot) that the Standing Orders were the charter of the liberties of the minority, and the House would incur great danger and bring discredit upon itself if it lightly assented to the proposal.

MR. SANDFORD thought the time had arrived when they should ask the precise position which the Government took up in reference to the Public Worship Regulation Bill. Was the union between the learned Recorder and the Government an avowed union, or was it a morganatic alliance? If the latter, it seemed to him there was more favour shown for the offspring of the left hand than for the offspring of the right. He was one of those who desired to see the Bill passed, and he thought all the difficulties to its progress would be removed if the Prime Minister would rise in his place and say that the Government accepted the full responsibility of the measure.

MR. DODSON never understood that the rule of suspending Business at a quarter to 6 on Wednesdays had been established in order to secure to minorities the right to talk a measure out. Because it would come to this—that on one day of the week the minority were to have the constitutional right of defeating a measure by talking against time, and upon the remaining five days they were not to possess that right. The Rule for closing debates at a quarter to 6 on Wednesdays was adopted for the convenience of the House, and to save the health and labour of hon. Members. Before that rule was adopted, the House used to meet on Wednesday evenings just as on other days, and then there was no Rule as to stopping the debate at any particular hour. But there was no reason why these Standing Orders should not give way when such a course suited the House. Considering the time of the Session and the great interest felt in the Public Worship Bill, he thought that an occasion when there might very properly be a departure from the ordinary course of proceeding. He should therefore support the Motion.

MR. MOWBRAY agreed that the rule was established for the convenience of hon. Members rather than for the protection of the rights of the minority; but he submitted that the Motion of the Prime Minister was both unnecessary and unprecedented. It was dangerous

to make a precedent of the kind, because it might be hereafter quoted in support of a proposal to suspend the Standing Orders on a Wednesday in the middle of June, or even May. It was also unnecessary, because the number of hon. Members present being very few, the difficulty might be met by an appeal from the right hon. Gentleman to the forbearance of both sides of the House, so that the debate might be closed by 5 or 6 o'clock. The precedent now made in favour of a Bill proceeding from the Episcopal Bench in the other House, might even be cited at some future time in favour of a proposition of some private Member to turn those very Bishops out of the House of Lords.

LORD HENRY SCOTT also considered that the Motion was quite unnecessary. He had supported the proposal for the adjournment of the debate the other evening in order that a fair opportunity might be afforded to discuss the Bill, and not that any unfair advantage should be taken to obtain the decision of the House.

MR. FAWCETT maintained that nothing but a matter of necessity would justify the Suspension of the Standing Orders at that period of the Session. While, for his own part, he meant to vote against the Bill, he would certainly do nothing to prevent its passing by factious opposition. In order that the House might be in a position to decide upon the present Motion, it was essential that there should be a distinct, specific, and unequivocal intimation of the intentions of the Government with regard to the Public Worship Bill. If Government declared that they wanted the Bill to pass, the proposal to suspend the Standing Orders would be intelligible. If, on the other hand, they were going to be satisfied with a triumph over the right hon. Member for Greenwich, and were then going to allow the Bill to be quashed, this Wednesday would have been taken from private Members for no practical purpose, in so far, at all events, as the Bill itself was concerned. Let Government declare that it was their intention to do all in their power to pass the Bill this Session, and not merely to defeat the Resolutions of the right hon. Member for Greenwich, and then there would be a justification of the suspension of the Standing Orders.

*Mr. Mowbray*

SIR RAINALD KNIGHTLEY thought that without suspending the Standing Orders they might trust to an honourable understanding that nothing would be done to prevent a division on the second reading that day. He was very desirous for the welfare of the Church of England, and he believed that if the question before them should be left in suspense, it would be most disastrous to the Church. He concurred with the hon. Member for Hackney in thinking that the House should get an exact statement as to the intentions of Government with respect to this Bill.

MR. DISRAELI: Although the Motion which I have made, Sir, has to a certain degree been based upon a precedent—and when there are precedents it is generally advantageous to be guided by them—yet I should not have hesitated under the present circumstances, and with the consent of the House, to make a precedent myself if requisite. I am perfectly willing, at the same time, to admit that Motions of this kind should not be made unless there is a very concurrent sympathy on both sides of the House in favour of them. On the present occasion I believe there is that sympathy, a large majority of both sides of the House being, as I understand, in favour of the course I have proposed. It has been suggested by the hon. Member for Hackney (Mr. Fawcett) that before agreeing to the Motion the House ought to receive from Government a declaration of their sentiments with regard to the Public Worship Bill. Now, the proper time for the Government, or the various Members of the Government, to give their opinion is during the discussion upon the second reading, and I have no doubt that as the debate proceeds their views will be amply expressed. Some hon. Gentlemen have treated this Motion of mine as if it were a slur upon the honour of certain Members of this House. I have only one object in making the Motion. I consider that, after what has occurred, I am bound to secure to the right hon. Gentleman who introduced the Public Worship Bill an opportunity of obtaining the opinion of the House upon the second reading. Therefore, whether the debate finishes to-day or not, with that conviction on the part of the Government that they are bound to obtain that result, I must find another day, in

case we do not decide upon the present one. This is, then, merely an arrangement which I propose in order to advance the progress of Public Business. The various interpretations put upon my Motion have really no foundation whatever. I trust, therefore, the House will agree to the Motion, and allow the debate to be recommenced, and I have no doubt there will be ample opportunities for hon. Members on both sides of the House, as well as Members of the Administration, to express their sentiments on the Bill.

Question put, and *agreed to*.

*Ordered*, That the Standing Orders respecting the sittings of the House on Wednesdays be suspended, this day, till the Adjourned Debate on the Public Worship Regulation Bill shall have been disposed of.

#### PUBLIC WORSHIP REGULATION BILL.

(*Mr. Russell Gurney.*)

[BILL 176.] [*Lords.*] SECOND READING.

#### ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Amendment proposed to Question [9th July], "That the Bill be now read a second time;" and which Amendment was,

To leave out from the word "That" to the end of the Question, in order to add the words "it is inexpedient to proceed further with a measure for amending the administration of the Law in regard to offences against the Rubrics of the Book of Common Prayer while that Law is in an uncertain condition;"—(*Mr. Hall*,) —instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Debate resumed.

MR. ASSHETON CROSS said, there was one principle which he believed was dear to the hearts of all Englishmen in every possible phase of life; that there was one maxim which was written in the hearts of all Englishmen and which guided them through life, and that maxim was obedience to the law. Whether it was the Queen upon the Throne, or the pauper in a workhouse, or the Members of the other House or that House of Parliament, or any other rank of life, there was no exception to the rule that every person of every class and condition was bound to obey the law. In that respect, so far as he was aware, there was no "benefit of clergy."

Let them now consider for a moment the position of the clergy of the Church of England—and he wished at the outset of his remarks to tender to them everything he could say well of them as a body. He did not believe that, from one end of the world to the other, any other body of persons worked so hard and for so little money, or did so much to further the objects which they had in view. They devoted their lives entirely to the work they had to do, and they held out to the laity of this and other countries, a great example of self-denial not only in the amount and character of their labour, but also in giving largely for charitable objects out of very scanty means. At the same time, they held a position very different from other members of the community in these respects; they had great opportunities for good; they had great duties to perform; but they, like everyone else, were bound to obey the law. When a clergyman was first ordained, he entered into a solemn contract with the nation that he would obey the law of the Church as accepted by the nation; that he would preach the doctrines of that Church not according to his own interpretation of Scripture and ancient writings, but as those doctrines were laid down in the great charters of the Church which had been accepted by the nation. Those charters were to be interpreted like any other documents; they were to be interpreted not according to the will or fancy of an individual clergyman, but by the Supreme Court of Law of this country. And even in the case of clergymen who were not members of the Established Church, the moment a question about property arose, the law stepped in, and held that no clergyman had a right in that property, whether he was a Dissenter, or a Nonconformist, or a Roman Catholic, unless he preached the doctrines held by the religious denomination of which the person who bequeathed that property was a member. The same course was observed in the case of property bequeathed by a member of the Church of England, and the case was exactly the same, whether the doctrines or the ritual of the Church of England was concerned. A clergyman could only carry on the service of the Church in the way in which that service had been accepted by the nation, and had been laid down by the law, and in

doing that he had no right to step beyond the documents of the Church, which must be interpreted in every case just as any other documents were—by the law of the land. He was very much surprised at the great number of letters which he had received on the subject from members of the Church of England. Some of those letters had given him very great pain, and he would read only one sentence from one of them. It was to this effect—

“As regards these ritual matters, what we say is this—that while the Church, speaking by her formularies and by her confessions, is on our side, or rather we on hers, the State, speaking by the late judgment of the Judicial Committee, is against us.” And this was the painful part of the letter. “And that in these matters our duty of obedience is to the Church at whose altars we serve.”

Now, that was a state of things which he did not think the House or the nation at large would allow to go on. If the doctrines or ritual of the Church, as laid down in charters and documents, and interpreted by law, contained that which they were supposed not to contain, as many Acts of Parliament, when interpreted by a Court of Law, have been held to contain what it was supposed they did not contain—if by interpretation in Courts of Law, the law was proved not to mean that which it was supposed to mean—what was the remedy? The remedy was not for a clergyman to disobey the law, but by the ordinary process by which that law was originally made law, to have it altered. The matter was no new matter. They all knew that a great improvement was made by the Church Discipline Act of 1840, and it was anticipated that under that Act matters would go on smoothly, and that it would practically remove a great many objections, and put an end to a great deal of the delay and expense which had occurred in certain matters. Every objection, however, to the present Bill might have been made with equal, and even with greater, force to the Church Discipline Act of 1840; but the result of the Act of 1840 was this—that its procedure had been found to be very cumbrous and very expensive, and that it gave rise to a vast amount of untold delay, so much so, that at different times, for many years past, attempts had been made to alter that law. Let him call the attention of the House briefly to those attempts. In 1847 a

Bill was brought in on the subject by the then Bishop of London. In 1848 a Bill was again brought in by the Bishop of London. In 1849 a Bill was again brought in by the Bishop of London, and in the last-mentioned year the Government itself took up a measure, which Lord Cranworth brought in, for the purpose of altering that law. It was a curious fact, as far as that Bill was concerned, that every one of the English Bishops voted against it, and that every one of the Irish Bishops voted for it. In 1869 the matter was stirred in the House of Lords by Lord Shaftesbury. In 1870, a Bill on the same subject was brought in; but owing to the unfortunate illness of the Archbishop of Canterbury, it was not discussed until 1871. In 1872 a Bill was again introduced in the House of Lords by Lord Shaftesbury. That Bill passed the House of Lords, and was brought down to the House of Commons, and he (Mr. Cross) had the honour of having charge of that Bill when it was in the House of Commons. He did not agree with many of its provisions, just as with regard to the present Bill he disapproved of many matters contained in it, and which were contained in the Bill of 1872; but the evils of the Church Discipline Act having been brought under notice the feeling was unanimous on all sides of the House, not in favour of the Bill of Lord Shaftesbury, but, that a Bill to correct those evils should be passed. The House at that time manifested a strong desire to have the faults of the Act of 1840 corrected, and he (Mr. Cross) himself expressed his feeling on the subject in the strongest manner. But, let him call attention to the words of the late Prime Minister on that occasion. The late Prime Minister on that occasion said—

“He was quite prepared to accept the proposition that there was an urgent case for legislation in connection with this matter.”

Now, if the case was urgent in 1872, why was it not urgent in 1874? He (Mr. Cross) thought that if the case was urgent in 1872, it was at least as urgent, if not more urgent, in 1874. The late Prime Minister had said in the course of the debate on the present Bill, that matters of this kind ought not to be brought forward unless with the concurrence of the Government of the day and of the authorities of the Church. That was not the case with regard to

*Mr. Ascheton Cross*

to the former Bills. There was no such concurrence as to the Bills introduced in 1847, 1848, and 1849. There was no such concurrence with regard to the Bills introduced in 1869 and 1870, or with regard to the Bill introduced by Lord Shaftesbury in 1872. And when at the time he (Mr. Cross) did propose that the then Government, in the interests of the Church, should take up the matter, the then Prime Minister got up and gave this answer—

“He had, however, to take exception to the hon. Gentleman's assumption that this was a question which could only be dealt with by Government, and also to his strong recommendation to the Government to take it up.”

The late Prime Minister also said on that occasion—

“It would be improper for the Government to hold out an expectation that it could deal with the question consistently with the other demands upon its time. He therefore hoped the hon. Gentleman would not think that he (Mr. Gladstone) was practising the old trick of retorting upon him if he recommended him to bring forward a measure himself.”—[3 *Hansard*, ccxiii. 195.]

The right hon. Gentleman also said, that the Government of the day would be desirous of rendering every assistance in their power to him (Mr. Cross) with reference to the carrying of a Bill on the subject. What came then of the great and eloquent speech made by the late Prime Minister, the other night, when he insisted with all the powers of eloquence he could use, that that was not a matter to be dealt with by a private Member, except with the concurrence of the Government of the day? He (Mr. Cross) said, without fear of contradiction, that it was nothing more nor less than a matter of procedure. The right. hon. Gentleman attempted to lecture the right hon. and learned Member who had charge of the Bill in that House, for the course he had pursued in bringing it forward without having studied the question, and said “The right hon. and learned Gentleman has treated it all as a mere matter of procedure;” but that he (Mr. Gladstone) placed it on far higher grounds, and maintained that no general law could be strictly enforced without doing a great wrong to many congregations whose feelings ought not to be rashly disturbed. He (Mr. Cross), however, took his view of the Bill not from any notions he had formed, but founded his interpretation of the Bill

on a letter written by a noble and learned Lord, a great friend of the late Prime Minister, and one of his most warmly attached Friends and Counsellors—Lord Selborne—who had said—

“This Bill will, if it passes, be merely a measure for shortening and simplifying to a certain extent the legal procedure in a certain class of cases now cognizable under the present cumbersome procedure of the Ecclesiastical Courts. It creates no new offence, but is founded solely upon the ecclesiastical law as now contained in the Prayer-Book, rubrics, and canons agreed to by the Church above 200 years ago. How, therefore, any part of the substance of Church discipline, or of the rights of the clergy can be affected by the proposed legislation is not to me apparent, unless, indeed, it is contended that the clergy have a vested interest in the continuance of technical and formal impediments to the execution of the laws of the Church.”

Now, he (Mr. Cross) took his stand on this broad and intelligible principle—that the liberties of the clergy of the Church of England were defined by law, and that while they should be allowed every liberty within the letter of that law, beyond it they should not go. And if the law or the procedure was cumbersome, then he said that the course was either to alter the law or, if they kept the law as it was, to alter the procedure. “But,” said the right hon. Gentleman, “they had no notion of the mischief they were doing, and of their irritation they were causing by such enactments as the Bill contained.” That, he (Mr. Cross) thought was rather an argument for passing the Bill than the reverse. If there was a determination—which he did not believe there was—on the part of the great number of the clergy to break the law, it would be an argument for taking precautions to prevent the law being broken. “But,” his right hon. Friend said further, “look at the confusion you will cause by the Bill. You will have everywhere three indiscreet parishioners and one indiscreet Bishop out of the 27 or 28 Bishops, by whom the law may be set in motion, while the discretion of all the parishioners, and all the remaining Bishops will be injuriously affected, and doubts and difficulties are likely to be brought before the Court.” As to the indiscretion of Bishops, the number of cases which might be brought before the Court through a Bishop's indiscretion was not likely to be greater than under the present law; and as to doubts and difficulties, one of the objects of this Bill was to render the mode of procedure simpler

than it was now. The right hon. Gentleman was utterly wrong in his premise, and consequently he was wrong in his conclusions. Take the two cases mentioned by the right hon. Gentleman—one was the reading of the Athanasian Creed, and the other was the reading of the prayer for the Church Militant. Nothing could be clearer than the direction in the Prayer Book that these should be read. Well, suppose the clergyman did not read it, the three indiscreet parishioners went to the indiscreet Bishop, and the Bishop ordered him to read it, and upon his refusal took the proceedings which the law ordered him to do. What then? That was no alteration of the law, and a decision of the Court could not make the law clearer than it was; and it was equally unfounded to say that in the same case, the discretion of the other Bishops would be interfered with. That was perhaps a simple case, but if they took another and more doubtful one—for instance, the question of catechising—they would see that it was one precisely in the same category with the reading of the Athanasian Creed. Of course, in any matter of vital importance, the opinion of the Supreme Court would be taken in order to see what the law was; but when that opinion was pronounced there would be no new law, for the Court would simply declare what the law taught. The Court might be asked to settle questions as to the use of some hymns, or the teaching of catechisms, or the reading of the Athanasian Creed and other matters; but the decision of the Court would not be new law, but merely declarations of what the law enacted. The Bill would not interfere with the discretion of a single Bishop or clergyman in the country, neither would it interfere in any way with the law. If the law were wrong let it be altered; but if it were law, let it prevail. The right hon. Gentleman said, he had no objection to the Bill as a matter of procedure; but that the effect of it would be, that the usual practices of the Church of England in many parishes would be disturbed, and he observed that within a short distance of that House there were three churches, those of St. Michael, St. Peter and St. Paul, the services of which were all different, and yet all had large congregations, and their services were most popular, and he said they were going by the Bill ruthlessly to break all those

congregations up. But let them only consider what might happen at present. The clergyman of St. Michael's might have another church in the country, and upon his death or removal, another clergyman would be appointed to his church in the country, and perhaps the clergyman would be the clergyman of St. Peter's or St. Paul's, a clergyman of entirely different ideas, whose presence at the church in the country would throw the whole congregation into confusion. That result might well ensue from the action of an indiscreet patron—for there where indiscreet patrons as well as indiscreet parishioners and Bishops. The right hon. Gentleman wished, under those circumstances, to continue in that post a man of opposite views, and who, by carrying them out to their fullest extent, would put the parish into a perfect ferment. He (Mr. Cross) maintained that the laity of the Church of England throughout the land had a right to know that to whatever church they went, if they went into the Church of England, they would have the services of that Church framed according to the doctrines of that Church, and beyond that there was nothing more in the Bill. If there was, it would be better to go in for disestablishment at once. [Mr. BERESFORD HOPE: That is all I ask.] Yes, but the difference between them was this, that his hon. Friend objected to any alteration in the cumbrous mode of procedure by which the object was to be achieved which they both had in view. That was no new subject. The Bills which had been introduced in previous Parliaments by his noble Friend the Member for Liverpool (Viscount Sandon) and the hon. Member for Stafford (Mr. Salt) though he (Mr. Cross) did not agree with them, all gave expression to the solemn determination of the people of England that the services of the Church should be maintained. Was an obsolete, cumbrous, and expensive mode of procedure to be kept up solely for the purpose of preventing the law being put in force? He simply asked that the laity of the Church of England should have that protection which the members of other religious Bodies had, and that members of the Church of England should be under the same obligation, and no other, as the clergy of every other religious community. He believed the Bill simply gave expression to the feelings of the people of

*Mr. Asheton Cross*

England with regard to the mode of performing the services of the Church of England—namely, according to the Ritual of that Church. But, said the right hon. Gentleman, if this Bill were passed, the services of the Church would have to be carried out without the least difference in every parish in the country; all the clergymen of the Church of England would be reduced to the condition of a regiment of the Guards; and there would be no variety in the expression of their opinions, their feelings, and wishes. Not at all; if the Bill passed, there might be the greatest variety in the mode of performing those services. But, while it would permit the greatest variety in that respect, it would require that all the clergy of the Church of England should obey the law. The Church of England had expressly provided for that variety. She had said that the mode of performing these services should not be uniform. Different parishes had the choice of having different catechisms, different services, and different vestments. They had the choice of singing or reading the Canticles or the Psalms, and of singing or reading the Creeds. The Church of England had provided for every possible variety that the country could want. All that the supporters of this Bill wanted was, that while that variety was allowed by the Church of England, the law should be obeyed, and that while it was obeyed, care should be taken to prevent that the liberty arising from that variety should not be allowed to extend itself into licence either by one side or the other. Having said so much in favour of the measure, he wished before he sat down to refer to certain points of detail. He thought certain parts of the Bill would have to be altered before it went into Committee. He denied altogether that the Bill was intended to give parishioners the power of annoying or worrying their clergyman; indeed he thought the House had no desire to give to an individual parishioner a powerful motive to put the measure in force. What they wanted was that, by some means or other, residents in a parish where the services were not carried out according to the law should have a speedy and inexpensive mode of remedying that. They did not want to give power to a single parishioner to set the law in motion; but by this oiled machinery, as he might call it, they did wish to give a strong

remedy against a clergyman where there was real ground for it. The Bill gave discretion to a Bishop. He (Mr. Cross) thought they might find that very much discretion should be given to a clergyman, and that when they got into Committee they would be able to give him some more definite protection than the Bill now afforded. There was another matter to which he objected, and to which he objected very strongly in 1872—namely, the enormous salary which it was proposed to give to the Judge. He thought the number of suits under the Bill would not be very great, and that, therefore, the course he had formerly indicated might be fairly adopted, as they might secure the services of some other Judge. If a Judge were appointed with a large salary, and he had nothing much to do, the longer he held the office the worse Judge he would become. Therefore, they ought to get a Judge who was employed in some other way, or who had retired. But, putting aside these matters of detail, he thought the principle of the Bill was right. The laity of the nation—for he could not separate the Church of England from the whole nation—had a right to know that the services in every parish in the land were performed according to the doctrine and ritual which were laid down by the law and accepted by the nation. If the law were wrong, let it be altered; if it were right, let it be enforced. These were the grounds on which he gave his support to the Bill.

Mr. WALTER said, it had been obvious to every hon. Member that the important debate on which the House had now entered could not long be conducted on the smooth and easy lines laid down by his right hon. and learned Friend the Recorder, when, in a speech characterized by much moderation, he introduced the Bill. No doubt, the Bill related mainly to a question of procedure. In its terms it was a very short and simple measure; but the House and the country knew equally well that the question at issue was far more than one of procedure, and that on the fate of the Bill, and on the sentiments its discussion might evoke throughout the country, might depend the future of the Established Church of this land. On its fate, at all events, must depend the question whether the services of the Church should be performed in harmony

with its authorized standards of doctrine and discipline, or whether they should remain liable to be set aside and varied in every parish throughout the land at the will of the minister of each parish, or at the discretion of any congregation which might please to support him. The Bill itself came down to that House under circumstances which, as everybody must admit, claimed for it at least a fair and respectful consideration. After almost half-a-century of constant turmoil and trouble, after being goaded and worried, fined in their pecuniary circumstances and tormented by litigation within the Church, through their fruitless endeavours to put down practices which they deemed inconsistent with its doctrine, the Bishops had at length—in his opinion, not a minute too soon—indeed, he might say, at the eleventh hour—brought in a Bill which had received the support of the whole Episcopal Bench, and which had received the sanction of three Noblemen who had filled the office of Lord Chancellor. It had been exposed to the ablest legal criticism in the other House, and it was now placed on the Table of this House by his right hon. and learned Friend opposite, who asked the House to arm the Bishops with those powers which they at present lacked to give effect to the laws of that Church which they all professed to support. As he remarked before, the Bill was mainly one of procedure, and he should describe it as an extremely mild and considerate measure. Indeed, he regarded it as being the very reverse of oppressive; certainly it could not be called in any respect a stringent or an offensive measure, and, in his opinion, it was one to which no valid objection could be raised. It gave no initiatory power whatever to the Bishops, but the archdeacon, the rural dean, or a certain number of parishioners might call upon the Bishop, in the first instance, to act in something like a mediatorial capacity—almost in the capacity of an arbitrator—and to express an opinion whether such and such practices should be permitted or not. He might almost say that was a weak point in the Bill, for he was one of those who held the opinion that the absolute veto which the 9th clause gave to the Bishop was a power which, though inserted in the Bill with obviously the kindest motives, and with the intention of discouraging vexa-

tious litigation, might be liable to abuse. Some particular Bishop abusing that power of veto might stop proceedings which ought to be carried further, and, therefore, in the event of the Bill passing into Committee, he should move, if no one else did, that from the Bishop who exercised his veto there should be an appeal to the Archbishop. The clause to that effect had been somewhat hastily struck out, and as he had some reason to think its re-insertion would be acceptable to those who had sent the Bill to that House. Now, what was the class of questions which the present Bill proposed to remit to the supervision of the Bishop or to the Judge, who, in certain cases, was to consider them? They were not questions of doctrine nor any of those subtle theological, almost metaphysical, questions which had exercised the wit of controversialists for 1,500 years, but simply questions relating either to the decoration of the church and the personal vestments worn by the minister, or to such additions to, or omissions from, the mode of conducting the service as the Judge might pronounce to be unlawful. Of course, he could not say what the Judge, whom he would suppose to be a man of learning and discretion, would consider to be unlawful additions or omissions; but he did not imagine the Judge would take so stringent a view of his duty in this respect as his right hon. Friend the Member for Greenwich seemed to anticipate. With regard to the notion that such a Bill as the present would be used by the parishioners as a means of harassing, or, as he had heard it stated, of bullying the parson, he could not believe that the 20,000 parochial clergy in this country were really in any danger of having their lives made a burden to them by the action of the conventional drunken parishioner. He laughed such an imputation to scorn, for he believed there was not a sensible or a moderate clergyman in the country who incurred any risk of being disturbed by the operation of the Bill. Passing from that, he would ask, how was the Bill, which had been brought down to the House under the auspices he had mentioned, received by his right hon. Friend the Member for Greenwich? His right hon. Friend really almost professed to wonder what all this hubbub could be about, for he did not understand what Ritualism meant.



The word "Ritualism," according to his right hon. Friend, had changed its meaning every two years during the 40 years he had been acquainted with the subject. Again, his right hon. Friend said if such a Bill was required at all, it was intolerable that it should be brought into that House unless under the direct auspices of the Government of the day. Moreover, his right hon. Friend denounced the measure as an infringement of the liberty of the subject. To quote a passage which had been already referred to by his right hon. Friend opposite (Mr. Cross), the right hon. Gentleman the Member for Greenwich said—

"Various customs have grown up in accordance with the feelings and usages of the people; and, whether the practices that have so grown up are, or are not, in accordance with the law, I say they ought not to be rashly and rudely rooted out."—[3 *Hansard*, ccxx. 1377.]

He further said, that an intolerable grievance would be created if such a law were to be uniformly enforced. He should like to ask his right hon. Friend what he wished the House to understand by that. Did he really think that what was at present agitating the feelings of the laity from one end of the Kingdom to the other related to such matters as he referred to—namely, whether a hymn should be sung at the beginning or at the end of the service, as no provision was made for that in the Rubric; whether children should be brought into church to be catechized after the Second Lesson; and whether the reading of the prayer for the Church Militant should be enforced? Did his right hon. Friend mean to lead the House to suppose that that was the class of questions which really disturbed the minds of the people of this country? Surely, his right hon. Friend could not have meant anything of the kind? The only question referred to by his right hon. Friend which really possessed any gravity was, whether the reading of the Athanasian Creed should be optional or compulsory. Parenthetically he (Mr. Walter) might say a word on that point; but taking care to profit by the warning of his right hon. Friend, he would not enter into a discussion of the Athanasian Creed itself in that House. He would only refer to it as an illustration of the kind of grievance which his right hon. Friend thought would be intolerable, if the use of the Athanasian Creed were made universal

throughout the country. His right hon. Friend, in making that statement meant to play off the Broad Church against the High Church. He (Mr. Walter) was one of those who, being a Churchman, accepted the Athanasian Creed as a standard of orthodox doctrine on the subjects to which it referred, although he thought it a misfortune that it was appointed to be read in churches, and for this reason—the ablest and most acute writer on the Arian controversy he had ever known—namely, Dr. Newman—in one of the most remarkable sermons he had ever preached before quitting the communion of the English Church, in discussing the Theory of Development, actually illustrated the scientific terminology of the Athanasian Creed by comparing it with the differential calculus. He (Mr. Walter) was, of course, only giving the substance of Dr. Newman's argument. Well, in his humble judgment, a creed of that peculiarly scientific character was scarcely fit to be read publicly in churches when it was accompanied by the terrible denunciations which were parenthetically inserted in it against those who did not accept it in its integrity. Now, as to the grievance. The Athanasian Creed was required to be read only on four or five Sundays in the year, and on such other Sundays as happened also to be Saints' days on which it was appointed to be read. However, the damnatory clauses, as they were termed, which really affected people's minds when they talked of the Athanasian Creed, were not read by the clergyman at all, but only by the laymen present, who, if they chose, could act as King George III. did on such occasions, and hold their tongues when the Creed was read. This was the extent of the grievance. He believed it was not a practical grievance which ought to be mentioned in the same day as the kind of grievance which all persons thought of when they talked of Ritualism. There was one suggestion, indeed, embodied by his right hon. Friend in his fifth Resolution for which he desired to tender him his sincere acknowledgments. Speaking of the variety of practices which custom had introduced into the service of the English Church, and which while they pleased one party might be offensive to the other, his right hon. Friend proposed that before making any innovations of that kind, a clergyman should have the consent of the

parishioners. A church and congregation had some need of protection against the intrusion upon them, simply at the will of a new incumbent, of rites and ceremonies to which they were unaccustomed. It often happened in a country parish, that a new incumbent came in fresh from college, with little knowledge of the world, and little experience of the feelings of the people about him. The first thing, perhaps, that he did was to turn out the hymn-book of his predecessor. It had been said by an eminent man—"Give me the making of the ballads of a nation, and I will give you the making of its laws." Hymns were regarded as something beyond a mere expression of religious joy and praise, but, to a considerable extent, as an indication of doctrine; and ought not the parishioners to be protected either by their own voice, or by the sanction of the Ordinary of the parish, against the introduction of any new customs, usages, or formularies—for hymns were formularies—at the mere pleasure of the clergyman? To that extent, within the limit of things professedly lawful, he agreed with his right hon. Friend. When, however, his right hon. Friend spoke of the variety of usages in the Church of England at present carried on with the supposed sanction of the law, did he really mean the use of the surplice, the reading of the prayer for the Church Militant, or was he referring to practices of a totally different kind? While so anxious, apparently, against the reading of the Athanasian Creed, and for the use of catechizing, was he really so blind as to be utterly unable to see what was going on in churches scattered all over the land? His right hon. Friend had laid down a new doctrine which had never before been broached in that House. He had laid down the congregational theory, and said—"As long as a congregation are satisfied with any extravagance, it would be a cruel invasion of their liberty to interfere with their practices." For his own part he (Mr. Walter) agreed with every word which fell from the right hon. Gentleman opposite (Mr. Cross)—that if an average Churchman could not go into any church in England without having his eyes offended by a mode of worship which he knew to be un-English, and which he knew to be Roman, and which was adopted for the express purpose of indoctrinating people

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with Roman Catholic views, it would be better to go in for disestablishment at once. Some years ago he passed a Sunday in a watering place in the South of England, where he attended a church where the service was conducted on those principles. [An hon. MEMBER: Brighton?] No, it was not Brighton. He might mention that he was brought up in what was called the High Church School, and that he had read a great deal of theology on that side of the question, but in the church he had just mentioned his eyes and his ears were so offended, that had he spent another Sunday there he would have rather gone to the Presbyterian Church. In fact, he knew that some English families who wished to pass the winter in that place were deterred from going, in consequence of the character of the services at the church. Undoubtedly the church was crowded, but there was no other church in the place till some years afterwards, when a second one was built by the exertions of an eminent Member of the other House of Parliament. His right hon. Friend the Member for Greenwich would perhaps say to him—"what you want is a barren uniformity. You wish everybody to preach exactly the same doctrines, and you do not want to have any variety whatever in the services." Well, he, for one, advocated nothing of the kind. As the right hon. Gentleman opposite (Mr. Cross) had shown, there was ample room within the strictly English view of the Church Services for considerable diversity in the mode of conducting public worship. There was the whole range of Ritual, from the simple form observed in a country church to that which was followed in one of our grand cathedrals. What was the true field in the Church of England for diversity of opinion? Surely it was not the Ritual, but the pulpit. He would not put undue restraint, within certain limits which commended themselves to the common sense of every man in that House, on that "Liberty of Prophesying," for which Jeremy Taylor contended, and which they ought to protect. There was no position in life in which a man could exercise so powerful an influence as an able preacher to a large congregation. Throughout the history of the Church, from its very foundation down to the present time, there had grown up two lines of doc-

trine, which apparently corresponded with two different mental constitutions. You might call one Arminian, and the other Calvinistic, and both were perfectly understood in the Church of England. But between doctrine and Ritual there was a material difference, to which he invited the particular attention of the House, because it had not been mentioned by any previous speaker. Let a man preach what description of Church doctrine he pleased, he committed nobody but himself. For instance, if he went to a church where he heard doctrines which jarred upon his sense of what was right and true, the chances were that if he attended the church frequently, he would receive good instruction from the clergyman at some time or other. At all events, he was not committed by the doctrines of the preacher, whether he were a Calvinist, a High Churchman, or anything else. But the case was different where the Ritual was such that one could not join in the most solemn and sacred rite of the Church without having exhibited to his eyes a whole system of Ritual arrangement which made it clear to him that the clergyman held doctrines which he was expected to accept, but which were totally at variance with the doctrines of the Church of England. His right hon. Friend the Member for Greenwich said the meaning of "Ritualism" had changed almost every year during the last 40 years. Well, he, himself, had had some little experience in the matter. His right hon. Friend left the University of Oxford at the beginning of that great movement of which they were now witnessing the results, and was not there at the time when the great and distinguished men who originated the movement were in the zenith of their popularity and power. He (Mr. Walter) was. He drank in every word they preached and read everything they wrote. There was no mention of Ritualism in those days. Nothing could be simpler or plainer than the Church Services conducted by Dr. Newman at St. Mary's and at Littlemore. There was no attempt to imitate a "high altar," no children were dressed up as acolytes, and there was no incense or any other of the clerical arrangements which were now designed to teach the doctrine of the Sacrifice of the Mass. The reading in which from an early age he took

delight, and in which he was guided by these men, consisted of standard works of English divines, such as Hooker and Jeremy Taylor. There was in the language of these men nothing that was likely to lead the student of theology to Rome, but now in the display of acolytes and the dresses used in the churches he referred to, that was the precise and deliberate intention. As his right hon. Friend professed not to know what Ritualism was, he would take the liberty of telling him. He would read to the House an extract from the *Four Cardinal Virtues*, written by the Rev. Orby Shipley, one of the authorized exponents of the system. Mr. Shipley wrote—

"Consider how much has yet to be done ere we stabilize our conquests over Protestantism, or, still more, ere we re-Catholicize the Church of England. How much have we to do, to the doing of which it is, alas! certain that we shall have to act upon the theory, that the authority of Bishops is limitable. For instance, we have to liberate the Church from the tyranny of the State; we have to secure the freedom of the election of Bishops; we have to abolish secular judgments in the Ecclesiastical Courts of the Establishment; we have, again, to make confession the ordinary custom of the masses, and to teach them to use Eucharistic Worship; we have to establish our claims to Catholic ritual in its highest form; we have to restore the religious life, to say mass daily, and to practise reservation for the sick."

That might be all very true, but what did the Articles of the Church of England say? These were the very things which the Church of England described as blasphemous fables and damnable deceits. Again, another Ritualist writer, Mr. Blenkinsopp, in a series of essays called *The Church and the World*, wrote in this way—

"Anglicans are reproached by Protestants with their resemblance to Romans; they say a stranger entering a church where ritual is carefully attended to might easily mistake it for a Roman service. Of course, he might; the whole purpose of the great revival has been to eliminate the dreary Protestantism of the Hanoverian period and restore the glory of Catholic worship. . . . Impossible to preserve the Catholic faith except by Catholic ritual."

"Segnius irritant animos demissa per aures,  
Quam quæ sunt oculis subjecta fidelibus."

There was another point of view in which those gentlemen regarded this subject; so remarkable, that he was sure the House would excuse him for referring to it. If the words he was about to read had been used by him *proprio motu*, he might be thought to

have exhibited too much bitterness of feeling on the subject, but they were the words of Dr. Littledale, an eminent Ritualistic writer—

“It may be argued that good and vigorous preaching will fill the cravings of the imagination, and make the employment of material stimuli superfluous, if not mischievous. But good preaching is among the rarest of good things, much rarer in proportion even than good acting, because it requires a wider range of physical and mental gifts. If very good actors were common, the adventitious aid of scenery and properties would be comparatively unimportant. . . . but as the great majority of actors are mere sticks, and even the chief stars are not always shining their best, managers have been constantly compelled to make gorgeous spectacle their main attraction, and a splendid transformation scene or a telling stage procession will draw crowds night after night, even in the absence of any theatrical celebrity. Hence a lesson may be learnt by all who are not too proud to learn from the stage. For it is an axiom in liturgiology that no public worship is really deserving of its name unless it be histrionic.”

Let the House connect all these things with that which was at the bottom, and which it was the object of these men to implant in the minds of rising Churchmen—namely, the whole doctrine of sacerdotalism. That theory included everything in the nature of priestly power and its consequences, from which the Reformation had set us free. We heard nothing now but the word “Priest;” we never heard of the Communion Table, but always of the “High Altar.” Now, he would like to tell the House how a great theologian, whose authority his right hon. Friend, if he were there, would be the first to acknowledge—he meant Richard Hooker, the author of the immortal work on *Ecclesiastical Polity*—spoke of the words “Priest” and “Presbyter.” Hooker, a name of the highest authority in the English Church, said he preferred the word “Presbyter,” which he considered to mean “spiritual father;” that it was more in keeping with the whole tenor and substance of the Gospel than the word “Priest,” and he literally apologized to the Puritans for using the word “Priest,” because the doctrine of sacrifice which the word “Priest” was supposed to convey, was no more conveyed to the mind of the Church of England by the word, than the idea of an old man by the word “Senator” or “Alderman.” That was the expression of one of the greatest minds in the English Church, a mind as pre-eminent in

theology as Bacon in philosophy or Burke in politics. Now, he would ask, had not the Archbishop a right to reply to the right hon. Gentleman, who objected to this Bill—“What have I now done? Is there not a cause?” Most assuredly there was, and they all knew it. Hon. Members being there to-day, and the suspension of the Standing Orders, proved that there was a cause. There were scores of churches in this land in which the utmost pains had been taken to indoctrinate our youth, who knew nothing of theology, not with the principles of the Reformation, which they were taught to hate, but with the principles of mediæval theology, which was nothing more nor less than the whole doctrine of the Church of Rome. All must have known instances where, after a course of such teaching, young women, and sometimes young men, had their minds so influenced that they suddenly disappeared and went away, perhaps to Boulogne, where they were received in the arms of a Roman Catholic priest, who no doubt smiled in utter scorn at the folly of a Church which could permit its churches to be used as mere nurseries for his own. His belief was, that the principles of the Reformation were as dear to the people of this country as they had been at any former period, and that these things were put up with simply because to a great extent they had been confined to our towns, where there was a choice of churches. No doubt, the principle of congregationalism did exist in London; but in London, the state of things was precisely what it would be if the Church were disestablished to-morrow. Everybody went to his own church, and if the Church of England were disestablished to-morrow, nobody would have a right to complain. His opinion was, they had nothing to do with the religious opinions of those outside their own Church, and that each person must stand on his own responsibility. But while he condemned those doctrines, and desired to see those who taught them expelled, if necessary, from the English Church, he did not wish to say one word disrespectful to his Roman Catholic friends. He would go further, and say he knew among his Roman Catholic friends—some of whom were among the oldest friends he had—instances of far greater delicacy in abstaining from putting de-

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votional books of their own into the hands of young Protestant friends than would be practised by the party in the Church of England who held Ritualistic views. Believing, as he did, those views to be inconsistent with the principles of the Reformation, and that the people of this country would infinitely prefer to see the Church disestablished than these doctrines authorized and sanctioned, he would give his most hearty support to the Bill in every stage of its progress, and he most earnestly trusted that it might be carried into law.

LORD HENRY SCOTT said, he regretted that the hon. Member who had just sat down should have turned aside from the question before the House to denounce a certain party in the Church. That was not the point under discussion, they had merely to deal with the Bill, and he hoped the House would continue to do so calmly and dispassionately. The debate in this House had, up to the present, reflected great credit upon it by the moderation of its tone throughout. Nothing could have been better than the manner in which his right hon. Friend the Member for Southampton had introduced the Bill to the House, and had this course been originally adopted elsewhere the position of the Bill itself might have been very different from what it now was in the eyes of the clergy. It was not the Bill as it now stood which had caused so much anxiety and searching of heart to a large portion of the clergy, but the original proposal made by the highest authority in the Church, one which he regretted had ever been made, and still more the manner in which it had been made. An attempt was made to associate the High Church party in the Church with the extreme Ritualists as they were called—for his part, he must repudiate any such connection, and he must say with reference to the High Church clergy that the great mass of them were loyally endeavouring to carry on the public worship of the Church within the prescribed rules of Ritual allowed by the rubrics, and that they had no more sympathy with the extreme Ritualistic party than had the Low Church party with the extreme Calvinistic doctrines which were preached by those on the other side. As a moderate High Churchman, and one who wished that the services of the Church should be carried

on in and according to the prescribed order of the Church's rules, he distinctly refused to be associated even by implication with those who committed the illegal extravagances, or to acknowledge in any way the persons quoted by the hon. Member for Berkshire as authorities upon the Church's doctrine or practice, or to be associated with them in any opposition to this Bill. The hon. Member who had just sat down seemed to repudiate the idea that the Church of England was "Catholic," and condemned what he called a new attempt that was being made to "Catholicize" the Church. It was new to him certainly to learn that the Church of England was not "Catholic." Happily, she was not so in any degree as being "Roman Catholic," and he repudiated any attempts to make her so; but the very author of this Bill had only a few days ago said in Convocation that the Church was "Catholic" in her principles and doctrine, and there was not a member of the Episcopal Bench nor a clergyman of the Church of England who would deny that she was a branch of the Church Catholic, though, as protesting against the errors of Rome she was Protestant. The hon. Gentleman had also animadverted to the use of the word "priest;" but if the hon. Member would turn to his Prayer Book, he would find there the "Form and manner of ordering of priests." There were in the Church of England, as in the universal Church, the three orders of clergy—Bishops, priests, and deacons, and there was no significance of a special Roman character in the term priest. Coming to the question of the Bill, he entirely agreed with his right hon. Friend the Home Secretary in looking on the Bill as one of procedure only, and he could not believe that any one, either clergy or laity, had any interest in maintaining the present complicated procedure in respect to the administration of ecclesiastical law, and as a Bill for simplifying procedure it had his support. But what was the position in which the Bill stood? Just at the moment that the Bill was passing through its last stage in the House of Lords, the authorities of the Church had solicited Her Majesty's Government for a renewal of Letters of Business to Convocation to enable that body to deal with and revise, if necessary, the orders and rubrics,

This request had been granted, and Convocation was now engaged in this work. What, therefore, was felt by the great body of the clergy was that it was very hard that a Bill should be passed for the purpose of dealing with offences against the rubrics in a summary manner, when the law upon which they were to be judged was under revision. He therefore took the Amendment of the hon. Member for Oxford City to mean that it was inexpedient to pass a Bill for summary jurisdiction of this kind while the law remained undefined. Not that there should be no amendment of the present cumbersome mode of procedure—upon this almost every one was agreed. He did not for a moment question the authority of Parliament to deal with this matter. He had anxiously looked for every precedent to enable him to form an opinion in this matter, and he found that Parliament had always dealt with questions of Acts of Uniformity and legal procedure, while it had carefully abstained from interfering with the alterations that had from time to time been made in the Prayer Book or rubrics in any other sense than ratifying or not what was done by Convocation in such matters. That was, as far as he could judge, the constitutional practice, and he hoped it would not be departed from. The authors of the Bill having referred the question of the revision of the rubrics to Convocation, it would be a mockery if no consideration was to be given to whatever recommendations were made by that body. It had been one of the original mistakes when this Bill had been first introduced that Convocation had not been asked to consider it, and when it had been so reported, no effect was given to its recommendations. There was a way still open to settle this question in a manner which he believed would be agreeable to the feelings of the great mass of the clergy, and do much to remove that feeling of irritation which the neglect of proper consideration for them had occasioned. This was by deferring the operation of the Bill for a year. He had put an Amendment on the Paper to this effect, and he hoped that his right hon. Friend would meet him half way in the matter. The object of his Amendment was not to delay the passing of the Bill, but to postpone its coming into operation till the revision

*Lord Henry Scott*

of the orders and rubrics remitted to Convocation had been settled, and such revision had received the proper ratification according to precedent. He would put it to his right hon. Friend, what would the effect be if this Bill were put in force before this had been done? Supposing a clergyman were cited under this Bill to answer for some offence against the rubrics, and he was found guilty or acquitted. In the course of a few months this matter upon which he had been tried, might be an offence, or no offence at all. What would the effect on that clergyman be? He would feel himself to be a victim of an injustice. Such a proceeding would be what was known in Scotland as "Jeddart justice," or hanging a man first and trying him afterwards. If his right hon. Friend would meet him in this matter, and grant this most reasonable request, as he was not inclined to oppose the second reading, he would do his best, subject to certain Amendments, to help the Bill through Committee. There would always have to be a certain amount of liberty in the performance of Divine Service in the Church, and what was suited to one place might not be suited to another; but there was a maximum and a minimum amount of observance laid down in the rubrics, and within this limit there should be no excess on the one hand, and no falling short on the other. He was as much opposed as any one could be to the excesses of extravagant Ritualism, which had no authority but the mere will of any individual clergyman to support them; but he was anxious to maintain the order of the Church in the proper observance of her rules. These were, he believed, in accordance with the continuity of the Church of England as a branch of the Catholic Church of Christ from primitive times, and while abjuring and protesting against the errors of Rome, she had never been reduced to the position of a Protestant sect. At no time, except by the violent exercise of authority, either of the Crown or Parliament, had the Church of England been forced out of this position, or submitted to the supremacy of Rome, and the clergy as a body clung to the historical continuity of the Church, and loyally wished to preserve it. When those were found fault with who endeavoured to act up to the full letter of the rubrics,

let it be remembered that there were few churches, if any, where the daily services of the Church were conducted without some breach of the rubrics. For instance, no prayer was allowed in the pulpit but the bidding prayer; it was ordered that the Holy Communion should be administered to those only who had sent in their names beforehand. The omission of a sermon in the morning was illegal, as was the preaching of one in the afternoon, and the rubrics enjoined catechizing in public, forbidding any but communicants being sponsors at baptism. The omission of the prayer for the Church Militant, giving the blessing from the pulpit, the publication of the banns of marriage after the Second Lesson, all these were against the rubrics; but he did not wish that all such omissions or commissions such as he had mentioned should be made the ground upon which any three parishioners, a churchwarden, &c., should have every facility given them to institute proceedings against their clergyman. He turned to his Prayer Book, and he found there the wisdom of the Church as to how such things were to be dealt with, and he found in the Preface, concerning the services of the Church, this was laid down—

“And forasmuch as nothing can be so plainly set forth, but doubts may arise in the use and practice of the same; to appease all such diversity (if any arise) and for the resolution of all doubts, concerning the manner how to understand, do, and execute, the things contained in this Book; the parties that so doubt, or diversely take anything, shall always resort to the Bishop of the Diocese, who by his discretion shall take order for the quieting and appeasing of the same; so that the same order be not contrary to anything contained in this Book.”

[[“Hear, hear!”]] He quite agreed with the feeling that prompted that cheer; this expressed all he wished and contended for. This Preface continued that the Bishop, if in any doubt, should appeal to the Archbishop. But by this Bill the Bishop's authority was taken from him, and it was virtually placed in the hands of the Judge, and only in one way—that was, by the voluntary submission of the parties to his decision—was any discretion left to the Bishop. He felt unbounded respect for, and hearty loyalty towards, the Bishops of the Church, and could not agree with the right hon. Member for Greenwich that because one Bishop might be indiscreet, that therefore

no Bishop should have any discretionary power. The Bill, however, destroyed the fatherly position in which the Bishop should stand towards his clergy, and subordinated him to the will of the parishioners and the decrees of the Judge. It might be answered that the Bishops had consented to sacrifice their authority; but he did not regret this the less, but the more on that account. In any case, if this discretion was to be worth anything, it should be in the Bishop's power to state, or not, in writing, his reason for its exercise, otherwise, it would be a constant source of contention and comment. It must be borne in mind also, considering the question of the observance of the rubrics, that the Bishops were just as much in the habit of violating them as the clergy; and what the clergy felt most was, that they were attacked as breakers of the law, when the Bishops, who were as great offenders in this respect, were passed over. It might fairly be required that the Bishops should be held as responsible as other orders of the clergy for their actions, and that they should be included within the provisions of the Bill. To prevent vexatious complaints, he thought it would have been better to follow the existing practice that complaints should go from the parishioners through the Rural Dean to the Archdeacon, and be by him laid before the Bishop. The explanation of the Home Secretary had convinced him that this was simply a Bill of procedure, and he believed that the objections of the clergy had reference to the original measure rather than to the one now before the House. Under these circumstances, if the right hon. Gentleman in charge of the Bill would consent to postpone the date at which it should take effect, so as to give time for the settlement of the rubrics, a fair compromise would be effected, one which would be heartily appreciated by the clergy, and he should be glad to see it go into Committee, with a sure hope that they would arrive at a satisfactory solution of the difficulty.

MR. W. E. FORSTER said, he would not detain the House with any lengthened observations. Speaking generally, that was a question on which, perhaps, he had no right to trouble them by giving any opinion, not having been brought up a member of the Church of England,

and not having found it right yet to come into close communion with her, although, at the same time, he attended her services, and might fairly be said to be a friend of the Church. But that was a question which very much affected the position of the Church in relation to the State; and with reference to it he might state what he had often said in places where it was not so well received as in the House of Commons, that he felt bound to admit that he thought the State derived advantage from its connection with the Church. The reason why he troubled the House at all was, that he thought he could not reasonably vote for the Bill, as he intended to do, without explaining the reason for which he did so, since he thought it was a reason which did not actuate any other hon. Member of the House. The question was a difficult one, and there were two faults in the Bill and in the manner in which it had been brought forward which seemed to him to increase and intensify the difficulty. The first was the position, or rather the want of position, of the Government with respect to the matter. The Prime Minister had said that the House must not expect the opinion of the Government as a body, but only the opinion of its individual Members upon the Bill; and, in fact, so great was the difference of opinion in regard to it, that no one on either side of the House, even on the front benches, could be said to speak for any one but himself. There was another difficulty which arose from the great difference between the mere wording of the Bill and its real ground, cause, and intention. The noble Lord who had just sat down, and who spoke in so conciliatory a spirit, rather complained of some remarks made by his hon. Friend the Member for Berkshire (Mr. Walter) in his eloquent speech. On the other hand, he (Mr. Forster) had noticed that several hon. Gentlemen who entertained very strong feelings upon the questions touched by the Bill had expressed themselves with a very singular and commendable moderation; and it would ill become him, who was not a member of the Church of England, to introduce any discordant element into that debate, but at the same time, he did not think that much was gained by the House attempting to shut its eyes to the real objects and meaning of this measure. He intended to vote for the

second reading of the Bill, because he believed much more in that real intention than in the mere wording and apparent purport of the Bill. If they were to judge the Bill merely from its wording, or from the speech of the right hon. Gentleman who brought it forward, it appeared to be nothing but a Bill of procedure—a Bill for revising Church law. He (Mr. Forster) believed that much of the Church law was in an obsolete condition, and with much of it the difficulty of enforcing it was very great, and the result was, that it was a dead letter. The effect of the Bill would be to make the dead letter a living fact, and to enforce the observance of Church law and the maintenance of Church discipline. If that had been the sole object he should have hesitated in supporting it. He yielded to no hon. Member of the House in his belief that while they had a State Church the supremacy of the State and of the law over the Church must be asserted and maintained. But if he regarded the Bill as a means of making the law which had become obsolete a living reality, giving force to every enactment of the rubric, he would again say he should hesitate to vote for it, on the ground that he should require a little more information as to what enactments had become obsolete and what had not—what should be changed, and what should not. Judging the Bill, again, according to the wording of its provisions and the statement of the right hon. and learned Gentleman who introduced it to their notice, he did not understand why, if Church discipline was meddled with at all, moral discipline ought not to be included as well. In many cases moral scandals ought to be put down, and would be if Bishops could be enabled to do so without great sacrifice. He repeated that he would vote for the Bill because he considered the real object, the grand intention, of the Bill was something different from its apparent object and wording—that there was a danger to the State Church and an evil to the country to be apprehended from the present state of affairs for which it was necessary to legislate. There were men in the Church of England who, no doubt from very conscientious motives, had brought about a state of things which did involve the Church and Parliament in great difficulties, and it was impossible for that House, while



they had a State Church, to disavow all responsibility for the conduct of the Church. What was the existing state of things? The people who were affected by the Bill might be placed under three distinct categories. First, there were many parishes where the congregation was scandalized by ceremonies which were both new to them, and disagreeable. Secondly, there was the fact that in many churches, not with the dissent, but with the assent of the congregation, there were practices which induced other members of the Church, besides those who attended the particular services, to entertain fears for the Protestant character of the Church itself. Thirdly, there was the further fact, that from conscientious feelings, there were many of the clergy who thought it right to assist in these practices, and had very strong views as to the position of the Church in relation to the State. For his own part, he was not one of those who would at once condemn those gentlemen for doing anything contrary to what they promised when they came into the Church. It was a very difficult thing for a clergyman to be quite able to decide what his real position was, and how far he should obey his conscience in these matters, or how far he should obey the law. Therefore, whilst thinking that the supremacy of the law must be asserted, he had great sympathy with those gentlemen. He, however, entirely sympathized with the attempt to put the Church in a better position with regard to the three classes of practices to which he had referred, and thought, in the first place, that Parliament must assert its supremacy, or the supremacy of the law, over Convocation—the supremacy of the State over the Church. He thought also that Parliament ought to be very jealous as to the Protestant character of the Church. He quite agreed with his hon. Friend the Member for Berkshire, that if it should ever be considered by the people of this country that the Church was not a really Protestant Church—if a party prevailed in it which did not hold really Protestant principles, the very next day the Church would cease to be a State Church. They were also bound to protect the parishioners—especially country parishioners, who had no other church to go to, and where there was at present practically no appeal—from practices

which shocked them, and which they considered unnecessary, novel, and contrary to their conscientious feelings. At the same time, they must not forget the broad and generous basis upon which the Church was founded. If they attempted in the Church to make anything like the restrictions which were made in a denomination, he was convinced that they would soon find the Church itself in the position of a denomination, and separated from the State. He could not help saying that he should have been more satisfied with the Bill if it had been more directly and plainly brought forward to do the work for which it was intended. The speech of his right hon. Friend the Member for Greenwich had been alluded to. It was, no doubt, a speech of the most wonderful power and eloquence—all would admit that. He (Mr. Forster) did not say that he entirely agree with him as to the dangers he foresaw in this Bill; but he did think if, in order to meet the evils which existed, they attempted to put in force all the present Church law and rubrics, they would find themselves in a very dangerous position. His hon. and learned Friend the Member for Oxford City (Sir William Harcourt), who had also made a speech of great power and eloquence, told them that if the law was obsolete, they should get rid of it; if it was disapproved they should repeal it; but that would engage them in a course which would require many eloquent speeches to be made before they could get to the end of it. He wished to ask, was the House of Commons at that present moment in a position to revise the rubrics and the Church law? Did they suppose that if they began such a revision they would stop at Ritual? He was not one of those who believed that those gentlemen who were now disputing about matters of Ritual in the Church were so childish as to dispute about a garment or a gesture. They had earnest and lively feelings enlisted in the dispute, and it was with them a matter of deep conviction. The question of the Athanasian Creed had not been raised for a long time; but the House knew what sort of an effect its consideration alone would produce upon the discussion of the question. At present the law was quite clear about many points, yet no one enforced it, but if they put this sharp weapon in the hands of one

party they might expect it to be used also by the other. It might be asked—Was it not unfair to direct their legislation against one party? That was the necessity of the case. One party was attempting entirely to destroy the relations of the State to the Church, and therefore legislation was necessary. But they ought to be opposed with the utmost consideration and conciliation—going as little further as possible and with great regard for the conscientious feelings of the clergy, and he was sorry the Bill had not come down to them with the suggestion of the Bishop of Peterborough, as sanctioned by the Lord Chancellor, carried out. The true difficulty in their way was that to which he had alluded at the beginning of his remarks—the position in which the House stood towards the Government. Let them just consider what the matter was. With reference to it, the right hon. Gentleman the Secretary of State for the Home Department appeared to feel the difficulty, and tried to bring forward precedents to show that it was rather a usual way of dealing with the subject, by Church Discipline Acts; but for his (Mr. Forster's) own part, he did not think there was any real precedent for it. As regarded the State, it was impossible to have any question to consider which could be said to be of more importance; as regarded the Church, it was vital to her interests; as regarded the feeling of the country, they would find that to be stronger upon this question than upon any which had for some time been brought before the House; and, as regarded the manner in which it was brought before the House, was there ever a measure which more demanded that the Government should express its opinion upon it? This was a measure than which nothing could be more fitting for a Government measure—the measure especially of a Conservative Government—it had been brought forward by the Archbishops, supported by the House of Lords, which had such confidence in the present Government, and in Conservative Governments generally—not, it was true, brought forward by a Member of the Government, but supported, and he might say conducted, through the House by that Member of the Government who had most to do with those matters—the Lord Chancellor, who had immediate

relations with the Queen as head of the Church. No measure could be more important both in principle and administration than this, and it ought to have had the full support of the Government. The difficulty of the case was greatly increased by the fact that the Members of the Government who spoke answered each other. But they must take the matter as they found it, and he did not see how they were to avoid trusting to some hope of a settlement of the question in the Bill now before the House, unless the Government should come forward and declare that if a little time were given them they would take the matter into their care. Whether the Bill could be amended, he was not quite certain; but if Amendments were to be introduced at all, they must be introduced in the 8th and 9th clauses. He hoped, before the close of the debate, the House would be informed precisely what course the Government would adopt, and that one of two things would be done—either that the House would be asked by the Government to give the amount of time, at any sacrifice, required for the settlement of this question by the discussion of the various clauses and Amendments; or, if in the mind of the Prime Minister and the Government that was impossible—considering the importance of the matter, the interest which the country took in it, and the extent to which both Church and State were involved in it—the right hon. Gentleman would undertake next year to meet Parliament with a measure having the support of an united Cabinet.

Mr. J. G. TALBOT said, he was glad to follow the right hon. Gentleman, whose speeches always commanded the attention and respect of the House. He felt rather in an uncomfortable position on the question, but as an opponent of the Bill in its present shape, he would endeavour to avoid any bitterness which might add to the difficulties of the controversy. He wished to guard himself against any suspicion of his being a supporter of the extreme party in the Church of England. He had never been attached to extreme doctrines or extreme practices. All he had endeavoured to do was to support the Church in its devotion to its Ritual, doctrine, and formularies—a devotion to which the Home Secretary had that day given expression in such eloquent terms. This was a mea-

sure which had created great anxiety, both in and out of that House, yet it could not be said that that excitement had been quickened by the right hon. and learned Gentleman the Recorder of London in the able and moderate speech in which he had introduced the Bill. He must also congratulate the hon. Member for North East Lancashire (Mr. Holt) upon the moderate tone in which he had addressed himself to this question. That hon. Member was reported to have said that—

"I am ready to do what lies in my power to aid, in its passage through this House, any Bill which will effect the object I have in view—that is, which will contribute towards the maintenance in unimpaired vigour in this country of those primitive, Scriptural, truly Catholic and therefore Protestant principles which regulated the Reformation of the English Church."—[3 *Hansard*, ccxx. 1395.]

He quite agreed with the hon. Member; but thought if the hon. Member had seen the full meaning of his words, he would have been more inclined to sympathize with every side of the Church on this question. The English Reformation was an attempt to go back many ages in the history of the Church, to free it from the corruptions of Rome, and to restore it to the position of purity which it occupied in the primitive ages of Christianity. It was natural that the Reformers of the English Church should take different views as to the basis of the English Reformation, and the result had been to leave on the Prayer Book the marks, he would not say of compromise, but of comprehensiveness. In this respect the early Reformers only followed the example of the Sacred Writings, for what was more comprehensive than the Holy Scriptures themselves? The House would therefore bear with him and those who held his views if they asked for liberty, not to disobey the law, but for a liberty in the construction of the law which, perhaps, might not be agreeable to all. He had all his life been regarded as rather a pedant in matters of Church discipline; but he did not believe that any attempt to reduce the Ritual of the Church to one dead level would be successful. A great deal of mischief had arisen from the way in which this Bill had been brought before the public. He would not further refer to certain articles in the leading journal, except to say that they were the greatest mistake

that could have been made by those who wished to promote a measure of the kind. The opponents of the Bill were taunted with opposing a Bill recommended by the Episcopal Bench. This, however, was not the case. There was only one meeting of the Episcopal Body upon this Bill, and it was held on the Friday before the Monday on which the Bill was brought into the other House. He was informed that one Bishop was opposed to any legislation; that another censured the Bill; that a third protested against proceeding with it, unless the clergy had full opportunity of discussing it; and that two other Bishops opposed the Bill. It must also be remembered that the present Bill was not the one which the Bishops had so scanty an opportunity of considering; and that it was, therefore, not correct to say that the Bill came down to the House with the whole force of the Episcopal Bench in its favour. He regretted that more opportunities had not been given to the inferior orders of the clergy to consider the Bill before it was introduced into Parliament. He wished to speak of the Bishops with due respect, but he must say that a measure for vigorously enforcing the law of the Church upon the clergy did not come with a very good grace from the Episcopal Bench, because they were themselves breakers of the law in some respects. If any one attended a Confirmation service and then went home and compared the directions given in the Prayer Book with what he had witnessed, he could not help coming to the conclusion that the Bishops themselves did not observe the Act of Uniformity. He did not blame them, and thought, indeed, they were quite right; but with what consistency could they invoke the authority of that Bill, and bring the iron hand of the law to bear upon the inferior clergy, when they themselves did not obey it? The Ordination and Consecration Service of Bishops was another part of the Prayer Book which was not always obeyed by the Bishops. He happened to be present at Westminster Abbey when the Bishop of Cape Town was consecrated. The Primate of All England was present. Upon that occasion the distinguished divine—not the Archbishop—who was conducting the earlier part of the service did not observe the position which

ought to be taken at the Holy Table, but stood at the south, instead of at the north side of the table. Was it quite fair for those who either broke the law, or did not object to others breaking the law in their presence, to enforce the letter of the law upon the inferior clergy? He did not ask the House to sanction lawlessness, but could it be wondered at that this Bill should cause great excitement—when it proposed to carry out an absolute and rigid uniformity of the law unless every one, from the highest to the lowest, was prepared to obey the law? With regard to the claim that Convocation ought to be consulted, it was not to be denied that it had been consulted on former occasions, and it must be allowed that, though it had barely been consulted on the present Bill, “Letters of Business,” had by the advice of Her Majesty’s Government been issued to Convocation. Would it not then be wiser to defer legislation such as this until Convocation should have had time to act upon these “Letters of Business?” The hon. and learned Member for the City of Oxford (Sir William Harcourt) was a great historian, but upon one point he ignored the history of the Church of England. He said that the Queen was “Head of the Church.” Now, Queen Elizabeth always repudiated this title, and declared that there was no earthly head of the Church. She said she was “Supreme Governour of the Church under Christ.” That was an absolute distinction, and it ought to be understood. He was informed that Convocation was consulted before the Acts of Uniformity of Edward VI., and also before the Acts of Uniformity of Elizabeth. Further, there was a distinct reference to the consultation of Convocation in the declaration prefixed to the Thirty-nine Articles, and he believed they were first determined in Convocation. There was also a statute of Queen Anne which recited the consultations of Convocation. An attempt was also made in the reign of William III. to revise the Liturgy in a Puritanical sense, which was “squashed” by Convocation. It appeared then, that it had been the practice of Parliament to consult Convocation, and he now asked a Conservative Government to take the same line, and not to be above consulting Convocation. He had re-

ceived a letter from a Churchman of moderate views—Archdeacon Ady, of the diocese of Rochester—who had sent him a copy of his *gravamen*, signed by several eminent men. Archdeacon Ady complained that the rural deans ought to have been included among the parishioners, and said that—

“Desperate people do bold things; therefore I venture to send you my *gravamen*, which was presented to Convocation and signed by a number of eminent men. Of course, it is no conclusive proof of the feelings of Convocation as a body, but it gives information on two points:—1. That a committee of moderate men declared against the Bill. 2. That they made recommendations which were despised by the Upper House of Convocation. The peculiar feature of our proceedings in Convocation this week was that we were never allowed to say a single word about the Public Worship Bill.”

In the *gravamen* these objections, among others, were made—

“That no attention was paid to the recommendations respecting the interpretation of the word ‘parishioner,’ the omission of the rural dean from the list of accusers, and the condition of the three parishioners being communicants; and that they consider these provisions of the Bill, with others, fraught with considerable danger to the peace and efficiency of the Church.”

Another Archdeacon—Mildmay—of the same diocese said—

“We want, beyond question, greater promptness and expedition, and a large saving of expense in the administration of ecclesiastical law in all its branches. But we want also a precise definition of that law, which is on important points uncertain. We desire that the authority of the Bishop should not be in any degree impaired. We desire that the Convocations of both Provinces should have time to consider and determine on the nature and amount of alteration required to meet the present circumstances of the Church. We desire that the great body of the clergy, whose minds are moved slowly, should have time to consider a Bill which has been so largely altered since its birth, and in its present condition is but a few weeks old. All these considerations seem to converge to one conclusion—that the Bill had better wait.”

That concluding sentence of Archdeacon Mildmay’s accurately expressed his own sentiments, and he would make an offer to his right hon. and learned Friend—namely, that he should be content with the approbation which Parliament had already given to the Bill, and that, satisfied with the expression of opinion in favour of his Bill, he should take the second reading, and proceed no further with the Bill that Session. If he would consent to that course, he would do all

in his power to induce his hon. Friend the Member for the City of Oxford (Mr. Hall), to withdraw his Amendment. Or, if the right hon. and learned Gentleman would consent that his Bill should not come into operation until the 1st of January, 1876, so as to give time for its consideration by moderate men, he would in that case also advise his hon. Friend to withdraw his Amendment. He wished here to say a few words as to an Amendment which he had put on the Paper relating to the new Judge. It must be clear that that Judge would either be a sinecurist, or else that his appointment would produce an excessive amount of litigation. Now, the right hon. and learned Gentleman would neither wish to pay a Judge £3,000 a-year to do nothing, nor would he wish to promote litigation in the Church. Would it not then be more statesman-like to provide that the new Judge—if one must be appointed—should have cognizance of all breaches of the ecclesiastical law, and not as this Bill proposed, merely of breaches of rubrical observance? He asked the House to listen to the words of one of the most distinguished of living divines, who had now almost passed beyond the arena of theological controversy. Bishop Thirlwall, in his charge to the clergy of St. David's, in 1842, made use of these memorable words—

“The controversy which now agitates the Church is not a new one. Though distinguished by some peculiar features, yet at the bottom it is nothing more than a revival—or, as we may choose to call it, a continuation—of one which is as old as the first foundation of our Church; it represents a contrast of opinions, views, and feelings which has never ceased to exist within her pale, though varying in its outward demonstrations according to the shifting phases of her historical developments; sometimes apparently dormant and inactive, at others breaking out, as now, in passionate controversy, and at some unhappy epochs—such as we hope may never again be witnessed—venting itself in persecution, in violent exclusion, and formal rupture. It is not only an undisputable fact that such an opposition or divergency always has existed within the Church, but it seems likewise to be a necessary result of her constitution and character. If the position which she has taken up, as a Reformed Church, is correctly described as a mean between two extremes, it appears to be an inevitable consequence—so long as human nature continues what it is—that some of her members should incline towards one extreme, others towards its opposite, though all sincerely attached to her doctrine and fellowship. If we are not ashamed of this character of moderation which distinguishes her; if, on the con-

trary, we rejoice in it, and regard it as her most honourable attribute, as the very stamp of prudence and charity combined, and the safest criterion of truth, then we must be content to pay the price of this high privilege, in that continual contrast of opinions and that occasional collision of parties, though this view of the case ought undoubtedly to operate as a constant motive to mutual forbearance.”

He was opposed to any measure on the subject, unless it was guarded by the conditions he had shadowed forth because it would pain and distress not the extreme law-breakers, with whom he had no sympathy, nor the men with whom he had still less sympathy, who were designing to bring back the Church of England to the dominion of the Church of Rome, but the multitude of moderate, quiet, earnest men, both clergy and laity, whose desire was to discharge the sacred duties of their functions in the wisest and most temperate manner, and to promote the best interests of the Church. In conclusion, he would thank the House for the indulgence with which they had listened to him while speaking in support of what he must admit was the unpopular side of the subject. He, however, had done so, although he had been threatened with the loss of his seat as the penalty of his opposition to this Bill. That was not a legitimate weapon of warfare, but it had been used, and if he could have been moved by such a threat he should not have taken a part in that debate. Notwithstanding its use, he should still entreat the House to pause before it passed unconditionally and without due safeguards a measure which, although brought forward with an honest and *bona fide* intention to remove abuses and corruptions, would, as he feared, tend to promote disruption and warfare in the Church.

VISCOUNT SANDON said, that having recently addressed the House, although upon another measure, he had to apologize for intruding so soon upon its attention again. As he had, however, given something like a pledge last Session to deal with the very question now before the House, and as, in fact, he had during the winter before the change of Government took place, been preparing a Bill to deal with unlawful practices in our churches, which he had hoped to have laid on the Table of the House when Parliament met, he could not help saying a few words upon the present Bill. He was certain the

House would agree with him in expressing a wish that all those who professed to represent the Church had manifested the same moderation and temper which the hon. Member for West Kent had displayed. If, indeed, all those who called themselves High Churchmen had acted in the same way there would have been no need for Parliament to interfere. His hon. Friend had, however, spoken of the action of the Bishops with regard to the Bill, and had told them that one and another Bishop disapproved of the Bill. That was an argument to which the House could not listen. The Bishops were Peers of Parliament, and it was their part to express their dissent to this Bill, if they felt any, when it took leave of the other House. Surely, the duty of such Bishops as disapproved of the proposed legislation was, not to whisper dissent in select parties, but if they were dissatisfied with a great measure which had been promoted by the two Archbishops, as men and Peers of Parliament, to express their opinions in the House of Lords, and let the country generally be aware of the causes of their disapproval. The right hon. Gentleman the Member for Bradford (Mr. Forster) had done well to call attention to the fact that this Bill was introduced, and strongly supported by the heads of the Church themselves, with a view to meet a very grave condition of affairs, to which it would be folly and affectation to shut their eyes. He (Viscount Sandon) wished to call the attention of the House to what that grave condition of affairs was. A very solemn compact had been entered into between Church and State, which was to be found in one of the most important Acts of Parliament in the Statute Book, and that compact rested on the observance of the Prayer Book and the rules enjoined in it. The words employed in the 14th of Charles II. were as followed:—

“No form or order of common prayer, administration of sacraments, rites, or ceremonies shall be openly used in any church, chapel, or other public place other than what is prescribed and appointed to be used in and by said book.”

Those were the words as they stood upon the Statute Book, and it was upon that, as he understood it, that the compact as it at present existed between the State and the Reformed Church was based; and the same language was held in both the preceding Acts of Unifor-

mity. Upon the fulfilment of these conditions rested, as long as these statutes remained unrepealed, the acknowledgment by the State of the Church of England as the National Church. Everyone would acknowledge that the law must be obeyed, and he entirely demurred to the statement that it was of importance only to the members of the Church of England whether obedience should in this respect be paid to the law. It was the duty and the interest alike of Nonconformists, of Roman Catholics, and of members of the Established Church to see that any law which stood upon the Statute Book should be obeyed. It was a matter of the gravest importance that they should, on all sides, stand up for obedience to the law, and endeavour to crush any attempt that might be made to break it. For the freer and more democratic institutions became, the more essential it was, in the interests of society, that respect for law should be maintained, and the more incumbent it was upon the clergy and ministers of religion to set an example of such respect and scrupulous obedience. The question then arose as to whether the law was being widely set aside, and whether there was a real danger of this compact between the Church and State being broken. If the House would bear with him for a minute or two, he trusted he should be able to show that the danger was a real one. The compact rested upon the adherence on the part of the Church to the doctrines and usages of the Reformation. That the danger was real was evident from the reply of the two highest authorities in the land, the Archbishops of Canterbury and York, who last year, in reply to a memorial presented to them, said—

“There can be no doubt that the danger you apprehend of a considerable minority both of clergy and laity among us desiring to subvert the principles of the Reformation is real. . . . We feel justified in appealing to all reasonable men to consider whether the very existence of our national institutions for the maintenance of religion is not imperilled by the evils of which you complain.”

Could anything be more serious or more alarming than such an acknowledgment and such an appeal from the two much respected and discreet heads of the Church? It was notorious, also, that the old High Church party were equally hostile to, and equally alarmed by, the

present movement. He need hardly allude to the burning words of the author of *Quousque*—now, known far and wide—a much-honoured leading man of Christ Church in past years. He would, however, quote the words of another remarkable man, still moving in the centre of Church life in Oxford. The passage to which he referred was from an eloquent sermon delivered last year by the Rev. John Burgon, Vicar of St. Mary's, Oxford, Fellow of Oriel College, Gresham, Lecturer in Divinity, and one of the leaders of the High Church party. The words which he used were these—

"I behold with dismay the ghastly up-growth of one more sect—one more schism—one fresh aspect of Nonconformity; and I mourn not least of all, because I see plainly that these mediæval extravagancies are making, if they have not already made, reconciliation with our Wesleyan brethren a thing impossible. There is no telling, in fact, how fatal is this retrograde movement to the progress of real Churchmanship throughout the length and breadth of the land. 'Ritualism'—for so disloyalty to the Church is absurdly called—is the great difficulty with a surprising number of the clergy in our large towns, especially in the Northern dioceses. The working people simply hate it. They will not listen to 'Church defence' while this ugly phantom looms before them. Hundreds are being driven by it into Dissent. 'I dare not call a Church defence meeting in this town'—writes an able and a faithful incumbent—"it would be instantly turned into an anti-Ritualistic demonstration." Thus, the cause of Christianity itself is suffering by the extravagancies of a little handful of mis-guided men. They assume that their outlandish ways are 'Catholic,' whereas they are schismatical entirely—the outcome of a lawless spirit, a morbid appetite, an undisciplined will. Indecent self-assertion and undutiful disregard for lawful authority are even conspicuous notes of this new sect. It is enough that one of these 'Catholic-minded' gentlemen should be rebuked by 'his Ordinary'—whom at the most solemn moment of his life he promised that he would 'reverently obey'—for him to go off into yet more reprehensible excesses. Meanwhile, the organs of his party denounce the proposed interference in the most unmeasured language, and the vocabulary of defiance, contumely, invective, is exhausted on as many as avow themselves on the side of authority and order."

He felt that he had not done wrong in quoting the burning words of one of the most intellectual and highly respected members of the High Church party in Oxford. These were words which deserved the greatest consideration, and only represented, he believed, the general feeling of the more thoughtful members of that ancient historical party in the Church, which had been from old times faithful to the principles of the

Reformation. That the objects of this new section were widely different, he would now proceed to show. There was no concealment of the objects which the Ritualistic party had in view, and these objects were thus avowed by one of their great lights, the Rev. Mr. Nugee—

"Our object and desire is to restore the Church of England in her beauty and in her ritual to what she was before the Reformation."

Another of their leaders, the Rev. Orby Shipley, said—

"Consider how much has yet to be done ere we stabilitate our conquest over Protestantism, or, still more, ere we re-Catholicize the Church of England. . . . We have . . . to make confession the ordinary custom of the masses. . . . We have to restore the religious life, to say mass daily, and to practise reservation of the Sacrament for the sick."

And finally, the statement made by *The Church Times* two years ago was—

"We are contending, as our adversaries know full well, for the extirpation of Protestant opinions and practices, not merely within the Church itself, but throughout all England."

What he had read, therefore, he believed to be sufficient to show that the object of this section was unmistakeably to undo the work of the Reformation, and that the old High Church party were against these Ritualistic movements, which they maintained to be the work of a small number of men, whose object was to break the compact which now existed between the Church and the State. He (Viscount Sandon) was a sincere member of the Established Church, and desired to give the utmost liberty of thought and action to all connected with it; but he thought practices such as those included in the Bill, should at once be put down by the strong arm of the law, as being obvious breaches of the Acts of Uniformity, and of the compact by which the State acknowledged the Church of England as the National Church. Surely, a case had been made out which showed the time had come for Parliament to insist upon the maintenance of the terms of the compact. The right hon. Gentleman the Member for Greenwich said, it was desirable that some relaxation in the strict rules, as laid down in the rubrics, should be made, as, for example, in the use of the prayer for the Church militant, the division of services, the use of hymns, &c.; but the House would remember that relaxations of that na-

ture were provided for by the Report of the Ritual Commission. That was a Commission issued by the late Lord Derby when in office, and bore the signature of his right hon. Friend now Secretary of State for War. These recommendations were adopted by members of the Commission representing all parties in the Church, and had been before the country and the late Government a long time, and yet the right hon. Gentleman the Member for Greenwich refused to take them up, and demurred, as he had done on previous occasions, to the expediency of Parliament dealing with Church matters. Upon that point he (Viscount Sandon) took issue with the right hon. Gentleman. When they considered the magnitude of the Church, and the way in which the interests of the people and of the Nonconformists were bound up with her, it was nothing less than essential that the affairs of that Church should be discussed in the great Imperial Parliament of England, a Legislature which, though composed of heterogeneous materials, had practically shown itself anxious to promote her usefulness, and to see that the great principle upon which she was established was duly carried into effect. It was not only not injurious to the Church of England, but he held it to be her great privilege that her affairs were discussed in the great Council of the nation, and that on such great questions she was able to procure not only the opinions of her own members, but of their Nonconformist and Roman Catholic brethren. He did not want a smaller and more restricted Church Body than that in which they stood. The tendency of every Church deliberative body was to get narrow and to get bitter; and the debates upon Church matters in that House, in deliberation, in reverence, and in thoughtfulness, contrasted favourably with almost all Church gatherings in modern and ancient times. He might further say that that House had done more for the reform of the Church than all the assemblies in the world. He should like to know where the Church would have been if it had not been for the action of Parliament. As an earnest Churchman, he wished to keep up the noble comprehensiveness of the Church of England, and he would sooner sacrifice any part of her system, than her hold upon the great deliberative Assembly of

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the nation. He had never concealed his personal views upon Church matters, and he would do nothing to shut out the High Church party, the Broad Church party, or any of those various parties which had contributed so much to the power with which the Church of England had been enabled to spread a pure Christianity throughout the land, and in all the various quarters of the world. When, however, he saw a party rising which was entirely alien to those principles upon which the compact between Church and State was founded, and announced by word and deed its hostility to the Reformation, he had no alternative but to approve, even if he could not accept, in every one of its provisions—a Bill which had been prepared by the two great heads of the English Church, and which had for its object the one great principle of obedience to the law.

MR. RICHARD : Sir, some may perhaps think it hardly becoming for a Nonconformist to interpose in a discussion which relates to matters connected with the internal economy and administration of the Church of England. But we must remember that in the eye of the law, we are all members of the Church of England, whether we wish it or not. According to the memorable dictum of Hooker—

“There is not any man of the Church of England but the same man is also a member of the Commonwealth; nor any member of the Commonwealth, who is not also of the Church of England.”

The Church of England is a national institution, supported by national property, and administered by national authority, and that authority is exercised in the name of Nonconformists as well as others. We cannot too strongly set our faces against the new theory of Church Establishments which is attempted to be foisted upon us in these days, according to which they have a double aspect to suit different exigencies. For purposes of endowment and privilege and status, they are to be treated as national institutions; but as regards submission to authority and the rights of the people, they are to be independent sects, who have a right to do what they please. At the same time, I should wish in the observations I am about to address to the House, not to say one word to wound the just suscep-



tibilities of any member of the Church of England. For, notwithstanding the fiery peroration of the speech of the noble Lord the Member for Liverpool (Viscount Sandon) last evening, to which I listened with more surprise and pain than I can well describe, I can say with a perfectly clear conscience that I am not an enemy of the Church of England. I wish, indeed, to see that Church separated from the State, because I believe, rightly or wrongly—such is my profound and earnest conviction—that such a consummation would conduce to the interests of truth and freedom, and charity and peace; and that ultimately, it would confer inestimable advantages upon the Church itself, which would far more than compensate for the loss of the injurious and invidious patronage of the State. I feel also, of course, that as a political institution, the Church of England has been a hard and cruel stepmother to the Nonconformists, inflicting upon them for generations wrongs and sufferings, disabilities and humiliations which have burnt a deep mark into the memory of Nonconformists, and which you cannot expect us to forget or condone in a day. And I regret to be obliged to infer from the Bill brought before the House yesterday, and the speech with which it was introduced, and the reception accorded to both, that the old spirit of intolerance has not departed from the Church of England. But with all that, no one acknowledges more cordially than I do, the immense services which the Church of England has done, and is doing, to the cause of Christian truth and Christian morality in this land. No one would more sincerely rejoice than I should, if some means could be found to relieve her from those internal embarrassments which destroy her harmony, and so fatally interfere with her usefulness and efficiency as a teacher and guide of the people. But I doubt very much whether those means are to be found in the direction of such Bills as the one now before the House. Will hon. Gentlemen opposite forgive me if I say, with no feeling of pleasure, far less of exultation or triumph, but with the utmost sorrow and dismay, that the present condition of the Church of England seems to me to be painful and deplorable to the last degree? For what do we find? We find all her clergy, at

the most solemn moment of their existence, when they are entering into Holy Orders under what they profess to be something very like Divine inspiration, subscribing the same Articles, giving their full assent and consent to all and everything contained in the same Book of Common Prayer, accepting and submitting to the same canons, and yet, in their public teaching, displaying such divergencies and contradictions in regard to the most essential points of Christian doctrine—that it was no exaggeration to state, as it was stated in *The Times* a few months ago—that it is now established that a clergyman of the Church of England might teach any doctrine which only extreme subtlety can distinguish from Roman Catholicism on the one side, Calvinism on another side, and from Deism on a third side. But this Bill is directed against one particular class of persons in the Church of England. There is no use in attempting to disguise that. It was openly and explicitly avowed by the authors of the Bill in “another place.” But does this Bill touch the core of the mischief? It deals only with outward forms, with questions of church architecture, of ecclesiastical vestments, ceremonies, and gestures. But every one knows that those who promote this movement in the Church of England attach importance to such things only as they are symbols of doctrine. There might be some foolish young men among the clergy, who, to use the language of Dr. Pusey, display “a love of Ritual for its own sake, which is one of the weak points of the movement.” No one will suspect me of any sympathy with such things. This histrionic and sensuous religion seems to me to be utterly at variance with the simplicity of Christian worship. It is a going back—and nobody must be offended by the words I am about to use, for they are the words of one entitled to speak with authority, and were spoken in reference to tendencies in the Primitive Church, precisely similar to those of which you are now complaining in the Church of England—a “going back to the weak and beggarly elements” from which we hoped as Protestants to have escaped, but to which there are some who would bring us again into bondage. I have seen services in the Church of England to which the language of our great Christian poet,

himself a devoted son of the Church, seemed to me expressly applicable—

"There Ceremony leads her bigots forth,  
Prepared to fight for shadows of no worth;  
As soldiers watch the signal of command,  
They learn to bow, to kneel, to sit, to stand;  
Happy to fill religion's vacant place  
With hollow form, and gesture and grimace."

But I say again, that the men at the head of this movement acknowledge that these outward forms have no value except as means of conveying into the minds and hearts of the people the inward and spiritual meaning that lurks underneath. They have a deep-laid and well-considered plan to introduce vital and fundamental changes into the religious faith of the people. What are the things they teach? I will not attempt to explain them in my own language, lest I should be suspected of exaggerating under the influence of sectarian prejudice. I will, therefore, give the description in the language of one of the Prelates of the Established Church. The Bishop of London, in his Charge to the clergy in 1871, says—

"When we find the 'Catholic revival,' so called asserted as the antithesis and antidote to the Reformation, which is deplored as a misfortune, if not a sin; when its work is admitted, and, indeed, avowed to be to undo what was then done; when Holy Scripture is disparaged as a rule of faith, unless as supplemented and explained by 'Catholic teaching,' and the Thirty-nine Articles are complained of as an unfair burden, put aside as obsolete, or interpreted in a sense which, if their words can be wrested into bearing, is undoubtedly not that which they were intended to bear; when the doctrines of those who drew them up are disclaimed as un-Catholic, and almost condemned as heretical; when language is used, popularly and without qualification, on the subject of the Holy Eucharist, which, whether capable or not of being absolved, under qualification, of contradiction to our formularies, is not only declared by Protestants but claimed by Romanists to be identical with transubstantiation; when seven Sacraments are again taught, and confession with absolution is enjoined, not as an occasional remedy for exceptional doubts and sorrows, but as the ordinary rule of a holy life and needful preparation for holy communion; when prayers for the dead are recommended, and purgatory more than hinted at; when the *cultus* of the Virgin and the invocation of saints are introduced into books of devotion, which are framed on the Romish model, and adapted to and distributed among persons of all ages, ranks, and occupations; when, finally, we are told that, in order to 'stabilitate the conquests over Protestantism and to re-Catholicize the Church of England,' it still remains 'to make confession the ordinary custom of the masses, and to teach them to use eucharistic worship, to establish the claim to Catholic Ritual in its highest form, to restore the religious life'

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(meaning the life of the cloister), 'to say mass daily, and to practice reservation for the sick'; when this movement is thus developed in its results or explained by its supporters, it is not possible that it could be received by Bishops of the Reformed Church of England with anything but disapprobation, warning, and sorrowful rebuke, unless they were unfaithful indeed to their office, their vows, and their Master the Lord Jesus Christ."

Such is the description given by an English Prelate of what is going on within his Church, and I venture to call it a moderate, nay, a faint and imperfect description; for I also have watched with great interest for more than 30 years the development of this remarkable phenomenon within the Church of England. And so successful has been this teaching that Archbishop Manning has publicly declared that—

"The clergy of the Established Church have taken out of the hands of the Catholic clergy the labour of contending for the doctrines of transubstantiation and invocation of saints."

I will not venture to say whether those are the doctrines of the Church of England. If I had been asked that question 25 or 30 years ago, I should have answered with considerable emphasis—"No, they are not the doctrines of the Church of England." But the principle of "development" has been at work so actively and wonderfully since then, that it is difficult to say what are the doctrines of the Church of England. But this I will venture to say, at least—that they are not the doctrines of a Protestant Church—they are not the doctrines of the Reformation. But I contend that your Bill does not touch these doctrines. If you could put every clergyman in England into a strait-waistcoat of rubrical uniformity to-morrow—would that stop such teaching as I have described? As the right hon. Gentleman the Member for the University of Oxford said with great terseness and force—"Why legislate against gestures, and leave doctrines untouched?" You apply your little ointments to the cutaneous eruptions on the surface, while the whole head is sick and the whole heart is faint. There is, no doubt, considerable force in the observation made by the hon. Member for Berkshire (Mr. Walter), in the masterly speech which he delivered in an earlier part of the afternoon, when he drew this distinction between Ritual and doctrine—that, in the case of Ritual, the worshipper himself was, as it were, made

a sharer in the objectionable things done. And, he added, the doctrine preached from the pulpit you can receive or reject. Yes, but it is not in the pulpit alone that the doctrines I have described are being taught by the clergy. Why, at this very moment, you are doing all you can to throw the whole education of the young in this country, both primary and secondary, into the hands of these very men. There were two remarkable speeches made during the former evening dedicated to this discussion, that of the right hon. Gentleman the Member for Greenwich, and that of the hon. and learned Gentleman the Member for the City of Oxford. There was a great deal in both those speeches in which I concurred. The speech of the right hon. Gentleman the Member for Greenwich was an eloquent eulogy upon Christian freedom, to which my heart responded, Amen. What he advocated was the Congregational theory, and, as I am a Congregationalist myself, I naturally rejoiced to have the right hon. Gentleman on my side. But I am afraid it will not apply well to an Established Church. For, when we look at the position of those ministers for whom he claims this freedom, when we remember that they are State officials, who enjoy enormous national endowments, each of them put in possession of a freehold for life from which he cannot be displaced, and that they have accepted this position on certain well-understood conditions settled by Parliament, and which Parliament has surely a right to enforce, might it not happen that the freedom of the clergy might prove to be enslavement for the people? On the other hand, the hon. and learned Gentleman the Member for the City of Oxford had pleaded for uniformity, and surely, with the best reason in the world, according to the present constitution of the Church of England, for is not that Church founded, as he said, on a succession of Acts of Uniformity? Are not her clergy bound by the most solemn undertaking to abide by her doctrines and forms, so much so that the Home Secretary went so far as to say, that a clergyman is to preach not according to his own interpretation of the Scriptures, but according to the standards of the Church. Well, this idea of absolute uniformity, so strenuously upheld by the hon. and learned Gentleman sounded very well in theory. It might appear

pleasant to the outward eye to have 20,000 men obliged to speak and do the same thing. But at what cost do you get this uniformity; at what a cost of intellectual servility, of violence done to conscience, of temptations to disingenuous sophistry in putting such strained interpretations upon the Articles and offices of the Church, as would, if applied to any other documents, and in any other department of life, be branded as fraudulent and dishonest? This has been going on and is going on openly, and I believe it is seriously injuring the national morality of this country. I should like to see my hon. and learned Friend subjected to an Act of Uniformity on any matter whatever. He is himself a universal Nonconformist. I do not say that by way of reproach, for it is perfectly natural that one of his vigorous and independent mind should exercise the right to judge for himself on all questions. But I believe that one of the dangers and difficulties of the Church arises from this attempt to prescribe an enforced uniformity, though I do not see how it can be otherwise so long as you have an Established Church. I believe you are on the wrong tack altogether in trying to regulate the affairs of a great spiritual body by the coarse machinery of the law. There is only one way of escape out of the embarrassments in which you are involved. I pronounce the word with fear and trembling, for I know it is a word which many hon. Gentlemen opposite hate, as they say a certain personage hates holy water. But it is a word to which they must familiarize their ears, for they will have to hear it a good many times in the coming years. The man must be blind, beyond all remedy, to the signs of the times who cannot see that the conflict between the Temporal and Spiritual power, is going to be "the irrepressible conflict" of our times—not only in this country, but in all countries. I see no way out of it, but one—and now I am going to pronounce the obnoxious word—Disestablishment. All I desire for the Church of England is that she should enjoy the same privileges that I myself enjoy, that the fetters by which she is bound to the State be cut asunder, so that she may possess that which the humblest Christian community in this land possesses, freedom to order her own affairs, according to her conception of

what will most conduce to her own edification, and is most in harmony with the will of her Divine Master.

MR. SPENCER WALPOLE said, he was not surprised to find that, although there was a difference of opinion with regard to this question, there was one point on which it seemed all were agreed, and that was that some legislation on the subject was urgently needed and absolutely necessary. He believed that the people of this country were fair-judging people, and that they had no desire to take harsh measures against anyone, as long as he fulfilled his duty; and that still less did they desire to take them against the ministers of their religion, to whom, as a rule, they were warmly and sincerely attached. But when they saw that there was, and had been for a considerable period, an unlawful deviation from long-established usages in the services of the Church; and that, however acceptable that deviation might be to some, it was much objected to and most painful to others; and when they bore in mind that that deviation was contrary to the form of worship laid down by the different Acts of Uniformity, and which they were entitled to call upon their ministers to observe in the due discharge of their public ministrations; and when they found that this form of worship had been materially and rudely altered against their will; and that they were without the power of correcting and restraining that alteration; it was no wonder, since all other authority had failed, that they should apply to Parliament, as the highest of all authorities, and ask it to pass a measure that would give them speedy, reasonable, and satisfactory redress. The Bill had been objected to on several grounds, which he would class under two different heads—first, the clerical objections involving the point that the House had no power to deal with the question without the previous sanction of Convocation, and secondly, the objection which had been taken to it both on account of what it did and also of what it omitted to do. It had been supposed most erroneously—although, to a great extent, the point had been cleared up in the course of the debate—that the Bill proposed in some way or other to touch and alter the doctrines and the Liturgy of the Church of England. But that was

a mistake. If the Bill were passed as it now stood, the doctrines and the Liturgy of the Church would remain exactly as they were, and in case any question should arise with regard to them, it would be governed by the same principles, it would be subject to the same laws, and it would be determined by the same tribunals as those which were applicable to such a subject at the present moment. All that the Bill in effect would do, would be to alter the mode of procedure by means of which the observance of the law would have to be enforced, while the law itself would remain unaltered. He thought that the objection that that House had no authority to deal with the question, unless with the sanction and consent of Convocation, was founded upon a mistaken view as to the separate duties, functions, and powers of Convocation and of Parliament. He could not agree with the proposition laid down by the hon. and learned Member for the City of Oxford (Sir William Harcourt), that Parliament alone was entitled to deal with questions of doctrine and of Ritual as far as they affected the Church of England; but he did agree with him that if it were necessary to deal with the temporalities of the Church as distinct from the spiritual duties of its ministers, Parliament was the proper and sole authority to deal with them. Constitutional usage showed that there was a distinction between those two matters. When the Articles of Religion were settled in 1562, and when the Ritual itself was settled 100 years later, the mode of proceeding adopted was, that a Commission was issued by the Crown, as the supreme authority in this Realm, to inquire into the matters which might then be referred to it, and then Convocation acquiesced in what was done, and Parliament subsequently ratified it. It was not unreasonable in matters of that kind that the consent of Convocation should be required before Parliament was asked to deal with them, for there was no other way in which the joint concurrence of the clergy and laity could be obtained; but on all subjects, such as the division of a see, the abolition of pluralities and of sinecures, and the Church Discipline Act which they were now asked to amend, Parliament had a right to act for itself, and it was the only authority by which such matters could properly be determined. Now, what

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were the objections to the Bill itself. The right hon. and learned Gentleman the Recorder of the City of London in bringing in the Bill described it—and described it truly—as one not in any way altering the present law, but enacting a different procedure. That was so, and it was surprising to him that any clergyman of the Established Church should object to being tried for any ecclesiastical offence under the more lenient, speedy, and inexpensive form of procedure proposed by the Bill, or that he should, for a moment, prefer the more expensive, oppressive, and dilatory procedure at present in force. Under the present law the Bishop could act upon his own mere will, or he could be put in motion by any person whatever; but under the Bill, he could not act upon his own motion, but he must be put in motion by particular persons mentioned in the measure. If the provision in that respect was not satisfactory, it could be altered in Committee. Under the present law, the Bishop appointed three assessors to assist him in the inquiry, but he could set aside their advice and act according to his own view of the case; but under the Bill, the Archbishop would appoint a competent and independent Judge to try the case, and it was by that Judge, and by him alone, that the case would be heard and decided. Under the present law, the clergyman had to go through two intermediate Courts before he reached the Court of Final Appeal, whereby he incurred considerable expense and delay; whereas under the Bill he would be able to proceed to the Court of Final Appeal immediately he had gone through the Court of First Instance, whereby he would be saved a ruinous expense, and the misery of having a charge hanging over him for an unlimited time. Nothing he conceived could be more just and fair to the clergy than the Bill, and if, as was observed by his right hon. Friend the Member for the University of Oxford (Mr. Gathorne Hardy), the Bill omitted to include in its provisions the whole of the ecclesiastical offences dealt with in the Church Discipline Act, the answer was, what a storm of indignation would have been aroused had the Bill proposed to couple together in the same category, deviations from the rubric and departures from morality and decorum. Under those circumstances

he failed to see, either in what the Bill did or in what it omitted to do, anything that could entitle a clergyman to take objection to it. He confessed that he had much sympathy for the Amendment that had been proposed by the hon. Member for the City of Oxford (Mr. Hall) because he wished that before the Bill was introduced means could have been adopted for revising the Rubrics of the Prayer Book, so as to free them from the ambiguities and uncertainties that at present disfigured them, and thus to have got rid of the doubts and difficulties that they now gave rise to. Had that been done, greater freedom and latitude would have been given to the minister in discharging his sacred duty, provided, in the first place, he did nothing that was contrary to the fundamental doctrines which he was bound to teach; and, provided, in the second place, he did not depart from the rules prescribed for him, but faithfully followed them as soon as they were settled, according to the obligation which he had solemnly entered into on undertaking his duties. He entirely concurred in what had been said on more than one occasion in the course of the debate—that a Church to be national must be comprehensive; and he believed that the Church of England was and always had been a comprehensive Church; but let him remind the House that there were those who might have moved in this matter before, that it had been referred to Convocation on Letters of Business; that the detailed Report of the Ritual Commission had been in their hands; that Convocation had never adopted it in earnest; and that had they done so, the difficulty now experienced by the House in discussing this question would have been, to a great extent, if not altogether, removed. Several circumstances which had come to his knowledge gave him great hopes that the measure, if passed, would meet with success. Thus, one of the best and noblest opponents of this Bill—a man who was revered by every party for his learning, his piety, and his zeal—had counselled those who agreed with him in opposing this measure that, when it became law, they should try and see whether some of the infractions of the rubrics could not be permanently put an end to; and the respected Prolocutor of the Lower House of Convocation (Archdeacon Bickersteth) had, in his recent

charge to his clergy, clearly pointed out that the time had come when Convocation and Parliament should deal with this question. It had also been distinctly said, in many other quarters, that when the law was settled the great majority of the clergy would submit to it. He hoped, therefore, the House would agree to the second reading of the Bill, leaving it to be put in the best form in Committee; for if they did not adopt that course, he feared the result would be a longer and a more bitter controversy than ever, and which, as had been observed by an hon. Gentleman opposite (Mr. Richard), would infallibly lead either to disestablishment or to disintegration. He urged the members of the establishment to recollect that, while they were quarrelling within the Church, the enemies of the establishment would be daily gaining ground, and that their disunion would only strengthen the hopes of those who desired to bring about the severance of the union between Church and State. Those were the reasons—not without much pain at being compelled to differ on this question from his hon. Colleague and from his right hon. Friend the Member for the University of Oxford—which induced him to desire that the Bill should be read a second time, trusting that it would conduce to the peace, the welfare, and the stability of the Established Church, and thereby conduce, in a still larger and wider degree, to the peace, the welfare, and the stability of the Empire.

Mr. GOSCHEN said, he wished to express briefly, but clearly and candidly, the motives which induced him to vote for the second reading of this Bill. He was aware that no arguments were required to secure the passing of the measure by a large and possibly by an overwhelming majority of that House; still, he thought that the time had not been lost in continuing the debate over a second day, seeing that thereby hon. Members had been enabled to state their views upon the question. That being a debate on a great Parliamentary change, he thought he was justified in examining the arguments, and in foreshadowing the results for which they must be prepared. He also ventured to think that much advantage would arise from the fact of those who took a deep interest in the Bill outside

the House, and especially the clergy, who thought themselves so greatly affected by the measure being able to gauge and measure what he might call the Parliamentary attitude with respect to the question. It was of considerable advantage, too, that hon. Members had had the benefit of listening to the remarkable speech of the hon. Member for Merthyr (Mr. Richard). That speech might be summed up in two sentences—"I am in favour of disestablishment. But while establishment continues, I expect to find in that establishment loyalty to law." His hon. Friend's words ought to be taken to heart by the clergy of the Church of England, that they might know they were carefully watched by the nation at large; and that while the establishment continued—and, for his part, he hoped it might long continue—there would be found within that establishment, and in all parts of it, loyalty to the law on which it rested. He also thought that the clergy should take note of the Parliamentary attitude, and observe what had occurred during the debate. The Churchmen who were opposed to the Bill should remember that in the House of Lords its second reading was passed without a division, and that a Motion for delay was defeated by a majority of 137 to 29. They should remember, too, what had been the attitude of the House of Commons with respect to it on the first evening of the debate; that hon. Gentlemen from all parts of the House had recorded their votes—275 to 114—against suppressing the discussion at an early hour. Those facts showed the intense interest taken in the question, and the decision and attitude of Parliament in respect of it. Further, the clergy opposed to the Bill ought to remember that the measure was introduced at a time when a Conservative Government was in office—the Government of a party which by their principles and traditions sympathized with the Church of England; and they should remember how many Members of that Government had spoken in favour of the Bill. But more important still, they would see that Peers and Commons, Conservatives and Liberals, ecclesiastics and laymen, were all in favour of that Bill, and that had it excited in both Houses of Parliament an amount of support, seldom, if ever, accorded to any measure, political or

otherwise, and more especially to one of a controversial character. Those were simple facts; and it was well that they should be borne in mind, so that the clergy who, whether they liked it or not, were under the control of Parliament might not deceive themselves as to the views of Parliament. He said thus much, because he had read from the pen of an eloquent divine—for whom he had the highest respect—Dr. Hook, Dean of Chichester—the assertion that the discussion on the Bill would be “relegated from the House of Lords to an assemblage in which it would be legislated upon by Jews, Turks, freethinkers, heretics, and infidels.” Those, however, were not wise words, and he (Mr. Goschen) said, let not such writers deceive themselves. If the opponents of the Bill would study the division list, they would see that it was supported by a majority consisting of members of the Church of England. It was not, however, those who were the enemies of the Church who proposed the legislation. Those who opposed its creed did not wish to force the Bill upon the clergy, and that fact, too, was worthy of note. He believed he was speaking the feelings of many hon. Members on both sides of the House, when he said—“Would that the language of Parliament, held on this occasion so emphatically—so unanimously in most respects, so loyal to the Church, and so anxious for its interests—might reach the opponents of the Bill as a friendly, but as a kindly warning!” for he feared that there were many of the opponents of the Bill who came into contact only with unanimous and enthusiastic congregations, who had not the means which hon. Members of that House had, of knowing what was the real and true sense of the laity of the country upon this question. But when he said the laity of the country, he meant the male laity; for he was not sure that if the female laity were polled, they would not be opposed to the Bill. Well, he asked—as his hon. Friend the Member for Berkshire (Mr. Walter) had asked—Was that a small Bill or a large one? It was a small Bill, in his opinion, if the clergy intended to obey it. It was a small Bill, if it were accepted in a proper spirit, but it would not be a small Bill, if it were intended to offer resistance to it. It substituted a simple for a complicated pro-

cedure; and it would be taken in a proper spirit, unless a portion of the clergy resented, as some of them most unwisely resented, the interference of Parliament in matters concerning religion. Now, what was the attitude of a portion of the Church upon the question. He should wish to be permitted to read a brief extract from an address of the President of the Established Church Union, showing the mode in which they regarded the Bill—

“A turning point,” he said, “has been reached in the Church of England. It is a turning point, not because the measure now before Parliament does, in fact, revolutionize the position of the whole clergy of the Church of England by sweeping away all the Diocesan Courts in the teeth of the recommendations of Convocation. It is a turning point, not because it touches a large and increasing body of laity of all ranks and conditions throughout the length and breadth of the land. It is not even a turning point, because those whom the measure is meant to crush are many of them bound to us by the strongest ties of friendship and respect. Not on all these accounts, important as they are, is it a decisive moment in the history of the Church of England, but because, apart from all other considerations which may be urged against this unhappy and ill-advised measure, it is a deliberate attempt to govern the Church of England by Act of Parliament, instead of by her Synods, and to force upon the clergy, by means of a Bill of Pains and Penalties, the acceptance of this position—namely, that the interpretations put upon the Church’s Rubrics by the Civil tribunals are necessarily to be taken as equivalent to the law of the Church itself.”

In that statement, which was no doubt true to a certain extent, the whole point was raised. The momentous character of the issue was said to rest upon this—that a deliberate attempt was made to govern the Church of England by Act of Parliament. It was a deliberate attempt, he (Mr. Goschen) would not say to govern the Church by Act of Parliament, but to enforce the laws of the Church. If that was to be the issue, they must accept it. Those of them who were Churchmen must be sorry to see ~~clergymen~~ the Church anxious to ~~accept~~ the position that they lived in a Parliamentary Church, but, at the same time, their own action appeared to be clear. They must accept the challenge. They must say by the present Bill that they respected Acts of Parliament, to be obeyed in the Church. He confessed he did not altogether like to see the moment in which the authority of Synods in an Episcopal Church was so completely defeated by a certain portion of the clergy. He was in a

friend of the Archbishop of Canterbury, and he had been grieved to the heart to read words which had been applied to His Grace by many newspapers which were written by clergymen. "The morals of the turf," it was said, "had been introduced into the Episcopal Bench." He had also seen his Grace accused of falsifying documents and of shuffling in this matter, a proceeding which could not be too strongly reprobated. The discussion had, he thought, been conducted with more temper and greater regard for the feelings of others in the House of Commons than it had been by a section of the Church. Now, what were his motives in voting for the second reading of the Bill? They were these—that in a State Church they must face the enforcement of State laws. He did not say they should enforce them against one section or one side only; but so long as laws existed they must be obeyed. They could not stand by after such speeches as had been delivered by the hon. Member for Merthyr, and say that they were afraid to enforce the law, in what the hon. Member had termed a law Church. They could not permit a mutiny against the Episcopate in an Episcopal Church. They could not allow a mutiny against national law in a national Church. But then arose the question, could they enforce these laws; and what would be the consequence if they did? For his own part, he did not believe that the bulk of Churchmen were afraid of a general application of the law. He quite admitted, however, that if the law were to be enforced at all, it ought to be enforced upon both parties alike without fear or favour. His right hon. Friend the Member for Bradford (Mr. Forster) had spoken of obsolete laws of the Church. He did not believe there were many such; and the instance as to the reading of the Athanasian Creed did not hold good, for the law requiring it to be read, though it was not perhaps obeyed, was yet in force. His right hon. Friend the Member for Greenwich did excellent service by pointing out that the Bill might be applied not only to one portion of the Church but to another; and he pointed particularly to the singing of hymns, the reading of the Athanasian Creed, and the catechizing of children. On examination he (Mr. Goschen) thought that those difficulties would not be found so great

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as they at first sight appeared, for the Church, as a body, were prepared to accept the rubrics, the Prayer Book, and forms of worship without delay. Had the rubric with regard to vestments been omitted from the Prayer Book, the controversy would, he believed, have been slight indeed—

"And here is to be noted, that such Ornaments of the Church, and of the Ministers thereof at all Times of their Ministration, shall be retained, and be in use, as were in this Church of England, by the Authority of Parliament, in the Second Year of the Reign of King Edward the Sixth."

That was a simple rubric; one would fancy a small matter to lead to the disruption of the Church. But as to the difficulties stated, he did not think there would be any objection to the universal reading of the prayer for the Church Militant, or to the catechizing of children; for as to this latter point the greatest discretion was left to the clergy. They were to catechize only such as they might think convenient, and there was no law as to compulsory attendance. Then, as to the singing of hymns, he would beg to draw attention to a document which showed that the singing of hymns at particular parts of the service was allowed. In the Injunctions of Elizabeth, A.D. 1559, which were stated to have been drawn up by Archbishops and Bishops, signed by Royal authority, with regard to which it was reasonably argued that they fell within 26 Elizabeth, cap. 2, and therefore had Parliamentary authority, it was stated in section 48, as followed—

"Nevertheless, for the comforting of such a delight in music, it may be permitted that in the beginning, or in the end of the common prayers, either at morning or evening, there may be sung an hymn or such like song to the praise of Almighty God in the best sort of melody or music that may conveniently be used, having respect that the sentence of hymn may be understood and perceived."

Therefore, from the time of Queen Elizabeth downwards, the singing of hymns in the Church had been allowed. Of course, if hymns had been interpolated into the Communion Service and had reference to the service of the Mass, they would be illegal and should be suppressed. Then, as to the reading of the Athanasian Creed, it should be remembered that the question was one of feeling and sentiment, not of belief, for, as a matter of fact, all the clergy had at their ordination declared their belief in



the Athanasian Creed. Further than that, an eminent authority of the Broad Church party stated to him that, so far as he knew, there was no doctrinal objection to the reading of that Creed. He mentioned these facts because he thought they ought to look the whole question in the face, and not be afraid to face the results of the Bill. Did the House think it likely that there would exist a determination on the part of certain members of the Church, after the Bill was passed, to bring about a state of anarchy in the Church? Would the clergy and parishioners make the worst of it? He scarcely thought that the parishioners would set it in motion, in order that mischief might result, and he did not believe that it would be to the advantage of the extreme party to endeavour to create anarchy and further differences. But it had been said that the Bill might be made the instrument of vexatious litigation. Well, the parishioners who took advantage of its provisions should either do so on principle, or as the tools of a party. If they did so on principle, there could be no objection to their moving, more especially as they would do so at the risk of having to pay costs. They might, however, take action as tools of the extreme party in the Church, and with a view to obtain remedial legislation for themselves, by showing that the bonds imposed by the Bill should be relaxed. He believed that if that course were adopted, those who took it would find themselves entirely mistaken. Neither the present nor any other Government would or could widen the limits for the extreme party. Well, what results were likely to follow from the agitation which might arise? Would it be disestablishment, secession, or obedience? With respect to the first, he believed that the extreme party in the Church of England greatly deceived themselves if they thought they could come to the Liberal party, and obtain aid for them in cutting the knot by disestablishing the Church. It might be that an influential portion of the Liberal party were in favour of disestablishment, but he did not think that, if the extreme men came forward and said that they would make everything intolerable in the Church in order to its disestablishment, the Liberal party generally would lend themselves as the sword by means of which the knot was to be cut. There

was a large and influential section of society who, at the present moment, were contributing large funds in order to secure disestablishment, and if the views of the English Church Union were the views of the Church generally, those persons might retain their money in their pockets, for the work they desired to see done would be done for them gratis. That was not the alternative to which they could look with hope. As far as secession was concerned, their organs had candidly stated that they did not intend to take any such course. He was glad of that, for the Church of England did not wish to lose any of its members. There was another alternative, which he believed the good sense and loyalty of the clergy would lead them to accept—he meant the alternative of submission to law; and he ventured to think that even in that House, those hon. Members who did not belong to the Church of England, but who had spoken with a good feeling rising to respect and regard for the Church, would assist in providing that the laws of a Parliamentary Church should be enforced. He would only say in conclusion, that he had often found himself in opposition to the right hon. Gentleman the Member for the University of Oxford (Mr. Gathorne Hardy) and the noble Chancellor of the University (the Marquess of Salisbury), both of them Members of the present Government, in reference to Church questions. He had also been taunted, and the Liberal party generally in the House had been taunted, by hon. Members opposite with being enemies of the Church, and anxious to establish a misty religion. Now, however, their position was changed, and they found the right hon. Gentleman and the noble Lord to whom he had just alluded, resisting the Bill against those who were acting with the two Archbishops and almost all the Spiritual Peers of the Realm. What was wished by the supporters of the Bill was—as it was most eloquently expressed by the hon. Member for Oxford (Mr. Hall), that the formularies of the Church and the entrance to it should be broad, but that the breadth should be within the law and not in the discretion of individual clergymen. They felt that within the pale of the Church there ought to be a most absolute allegiance and loyalty to the Church itself, and that a Church

with rich endowments and large privileges should not expose itself to the taunts of those outside its pale. As a humble member of the Church, he supported the Bill, because he looked upon it as a necessary security against the extravagant views of some portion of the clergy, and in doing so, he asked his brother Churchmen to have the courage of their convictions, and to declare that they were not afraid of the laws under which they lived. As a Member of Parliament he supported it, because he thought they were right in asserting in the most emphatic tones their right and their intention to exercise control over the Established Church of the land.

MR. RAIKES said, it could not be sufficiently insisted upon that the measure under discussion was not a Bill dealing with doctrine, or even with law, but one simply intended for the amendment of a faulty system of ecclesiastical procedure, and was not intended to revolutionize the Church, or to exclude from its pale any particular party in the Church. In short, the Bill would have the effect of amending the Church Discipline Act of 1840, and although in some of its details the measure was capable of improvement, he could only regard it as a practical improvement upon the existing law. The title, however, had led to much misapprehension, and he would suggest that it should be so amended as to correspond with the contents of the Bill. The unsatisfactory feature of the Bill were to be found chiefly in the clauses which dealt with the officers of the Consistory Courts, to whom but scant justice was meted out. In treating of the cause which had tended to bring those Courts into disrepute, he thought it was too much, perhaps, to expect a great deal from the Bishops, who, in appointing their Chancellors, were not always careful to select the men best qualified to give advice upon matters of law. The exemption of private chapels from the operation of the Bill was, in his view, a fault not unlikely to lead to complication and difficulty. A good deal had been said as to the propriety of postponing the measure until the revision of the rubrics was completed, and on this point he hoped the hon. and learned Gentleman in charge of the Bill would in Committee assent to the insertion of a provision, postponing its coming into force during, say, six months,

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in order that the law might be ascertained before the Judge was called upon to enforce it.

MR. DISRAELI: Sir, the Bill that is now before the House has received very different descriptions in the course of this debate. It has been described as a very small measure, merely a measure of procedure, by one hon. Gentleman; while, on the other hand, the right hon. Gentleman opposite, the Member for Bradford (Mr. Forster), who spoke early in to-day's debate, said it was by far the most important measure that has been before Parliament for years, and he re-echoed the opinion which had been expressed by the right hon. Gentleman the Member for Greenwich, that a Bill referring to matters of such importance should have been brought forward by Her Majesty's Government. But if measures of this character ought to be brought forward by the Government of the day, I might ask the right hon. Gentleman opposite, why, in 1872, he did not act upon that principle? From the passing of the Church Discipline Act until the present time, a variety of such measures have been introduced to the notice of Parliament, and in no instance I can recall have they been brought forward by the Government. Yet during that period the right hon. Gentleman must have exercised a considerable influence over the conduct of affairs, for during the whole of that time the country has been governed by a party formed from the Liberal ranks. Again, in 1872, my right hon. Friend the present Secretary of State for the Home Department called the attention of the House to this very subject in a Bill which was in substance identical, and in treatment very similar, to the Bill before the House. The right hon. Gentleman the Member for Greenwich, who was then Prime Minister, sympathized with the subject of the Bill, and encouraged by his praise the introduction of it by my right hon. Friend; but he did not give it any more substantial assistance than that, and certainly he did not consider that it was the duty of the Government of the day to come forward and undertake the conduct of the measure. Nor am I inclined in any way to blame the right hon. Gentleman for the course which he adopted. I am by no means sure that it is the wisest policy

when you are dealing in any way with matters ecclesiastical, that, as a matter of course, the measures should be adopted by the Government and introduced to the notice of the House by the responsible Ministers of the Crown. I think it is much more likely that if the Prelates of the Church can agree on a Bill in which the discipline of the Church is concerned—if they can introduce such a measure in another place, and send it down to us, backed up by the unanimous opinion of the other House of Parliament—I believe, at the first glance, there would be a much better prospect of such a measure being successful than if it were brought forward by a Government—no matter from which side it might be drawn—which, with the utmost patience and the greatest exertion, could hardly prevent the Bill from being introduced to Parliament with the form and aspect of a party measure. What, however, is the object of the Bill which we are now considering? I will at first say what I consider is not the object of it. It is not the object of the Bill to attack any of the legitimate parties in the Church. Were it so, I certainly should not have facilitated the discussion of its merits in this House. I look upon the existence of parties in the Church as a necessary and beneficial consequence. They have always existed, even from Apostolic times; they are a natural development of the religious sentiment in man; and they represent fairly the different conclusions at which, upon subjects that are the most precious to him, the mind of man arrives. Ceremony, enthusiasm, and free speculation are the characteristics of the three great parties in the Church, some of which have now modern names, and which the world is too apt to imagine are in their character original. The truth is, that they have always existed in different forms or under different titles. Whether they are called High Church, or Low Church, or Broad Church, they bear witness, in their legitimate bounds, to the activity of the religious mind of the nation, and in the course of our history this country is deeply indebted to the exertions and the energy of all those parties. The High Church party, totally irrespective of its religious sentiment, fills a noble page in the history of England, for it has vindicated the liberties of this country in a memorable manner; no lan-

guage of mine can describe the benefits which this country has experienced from the exertions of the Evangelical school at the commencement of this century; and in the case of the Broad Church, it is well that a learned and highly disciplined section of the clergy should show at the present day that they are not afraid of speculative thought, or are appalled by the discoveries of science. I hold that all these schools of religious feeling can pursue their instincts consistently with a faithful adherence to the principles and practices of the Reformation as exhibited and represented in its fairest and most complete form—the Church of England. I must ask myself what then, Sir, is the real object of the Bill, and I will not attempt to conceal my impressions upon it, for I do not think that our ability to arrive at a wise decision to-day will be at all assisted by a mystical dissertation on the subject-matter of it. I take the primary object of this Bill, whose powers, if it be enacted, will be applied and extended impartially to all subjects of Her Majesty, to be this—to put down Ritualism. The right hon. Gentleman the Member for Greenwich says he does not know what Ritualism is, but there I think the right hon. Gentleman is in an isolated position. That ignorance is not shared by the House of Commons or by the country. What the House and the country understand by Ritualism is, practices by a portion of the clergy, avowedly symbolic of doctrines which the same clergy are bound in the most solemn manner to refute and repudiate. Therefore, I think, there can be no mistake among practical men as to what is meant when we say that it is our desire to discourage Ritualism; and while upon that subject, I must express my regret that the House was not as full as it is at this moment, when the hon. Member for Berkshire (Mr. Walter) addressed to it a most able speech, supported by ample evidence of a most instructive kind which I should have liked them to have heard. The right hon. Gentleman the Member for Greenwich the other night said he was much surprised on returning to the House, after being for some time absent, to find Parliament very much excited upon Church and religious questions; and, further, the right hon. Gentleman taunted the occupants of this Bench, and the Conservative Party generally, for

the great disappointment which he believed would be felt at such a result, it having been held out to the country that there was now to be a tranquil time, and that the attention of Parliament was no longer to be absorbed by discussions and considerations of such a character; whereas the fact was that we had tampered with those very questions. But I do not think that as far as I am individually concerned, the taunt was deserved or was just. I can say most sincerely that I have never addressed any body of my countrymen for the last three years without having taken the opportunity of intimating to them that a great change was occurring in the politics of the world, that it would be well for them to prepare for that change, and that it was impossible to conceal from ourselves that the great struggle between the Temporal and Spiritual power which had stamped such indelible features upon the history of the past was reviving in our own time. I never spoke upon these subjects with passion, nor did I seek in any way at any time to excite such feelings in the minds of those I addressed. I spoke upon a matter which it was difficult for the million immediately to apprehend, and therefore it was not a topic introduced in order to create political excitement. I spoke from strong conviction and from a sense of duty when I wished to direct the public mind as far as I could to the consideration of circumstances in which it was so deeply interested, and which could not fail to influence the history of the country. I said then, that it appeared to me to be of the very utmost importance—and I am speaking now of the time when I addressed a large body of my countrymen as lately as autumn last—I said then, as I say now, looking to what is occurring in Europe, looking at the great struggle between the Temporal and Spiritual power which has been precipitated by those changes, of which many in this House are so proud, and of which, while they may triumph in their accomplishment, they ought not to shut their eyes to the inevitable consequences,—I said then, and say now, that in the disasters, or rather in the disturbance and possible disasters which must affect Europe, and which must to a certain degree sympathetically affect England, that it would be wise for us to rally on the broad platform of the Reforma-

tion. Believing as I do that those principles were never so completely and so powerfully represented as by the Church of England; believing that without the learning, the authority, the wealth, and the independence of the Church of England, the various sects of the Reformation would by this time have dwindled into nothing, I called the attention of the country, so far as I could, to the importance of rallying around the institution of the Church of England, based upon those principles of the Reformation which that Church was called into being to represent. I do not, therefore, think that the taunt of the right hon. Gentleman is one to which I am liable. But I confess I have looked forward, not without deep regret and apprehension, to the discussions which now occupy us, and which will much more occupy our time in the future, and with that sense of responsibility to which any man whose mind is open to the vast consequences involved cannot be blind. I wish, I may add, most sincerely, and in the strongest manner, that all should understand that if I make the slightest allusion to the dogmas and ceremonies which are promulgated by the English Ritualists, I am anxious not to make a single observation which could offend the convictions of any hon. Gentleman in this House. Whether those doctrines which were quoted from authoritative writings and from books by the hon. Member for Berkshire—and which I am sorry to say are found on too many of the library shelves and tables of English clergymen—whether those doctrines are or are not adopted by them—whether they apply to the worship of the Virgin, to the Confessional, or to the various subjects which were quoted by the hon. Member—so long as those doctrines are held by Roman Catholics, I am prepared to treat them with reverence; but what I object to is, that they should be held by ministers of our Church who, when they enter the Church, enter it at the same time with a solemn contract with the nation, that they will oppose those doctrines and utterly resist them. What I do object to is Mass in masquerade. To the solemn ceremonies of our Roman Catholic friends, I am prepared to extend that reverence which my mind and conscience always give to religious ceremonies sincerely believed in; but the

false position in which we have been placed by, I believe, a small, but a powerful and well-organized body of those who call themselves English clergymen, in copying those ceremonies, is one which the country thinks intolerable, and of which we ought to rid ourselves. The proposition before us is a moderate and temperate one. No one can deny it is but a measure of procedure, and I am prepared to look upon it as a Bill simple in its character, and professing nothing more than that which may be found in its clauses. In considering the course which we ought to take with respect to it, I have had to trouble the House very recently with the motives which induced the Government to afford facilities for the second reading. I believe the course which we have deemed it to be our duty to take with respect to it was one which it was impossible to avoid, and which was demanded of us by a sense of duty to the House and the country, and so far as my contract with the House is concerned, I have fulfilled it, nor is it needful for me to say more than I did on a previous occasion. If it had not been that the right hon. Gentleman the Member for Greenwich had taken the step which he has taken, I should have left it to the sense of the House to express itself as to the further progress of the measure. The right hon. Gentleman adopted the course which he deemed right; but I do not wish to advert further to that point on the present occasion, because he cannot enter again into the debate, and I shrink from taking any advantage which that circumstance may afford. But the right hon. Gentleman took another course—he has laid on the Table six propositions with respect to which I have no observation now to make, but that, if carried, it will be necessary that he should introduce a Bill into Parliament. Whether they will be carried or not, it is, perhaps, presumptuous to anticipate. On that point I may have my own opinion; but it would, I think, be impertinent on my part to conclude that Resolutions brought forward by the most eminent Member of our Body would not be successful. I could not, therefore, hesitate to afford the right hon. Gentleman the opportunity which he desired. By fixing the Committee for Friday next, I give the House the means of deciding on these Resolutions, but it would be pre-

sumptuous on my part to contemplate what may be their fate. I must, however, say that I have given the subject my most anxious consideration—more anxious consideration, probably, than I have given to any question which has occupied my attention during the many long years of my political life—and that I have more and more, especially within the last few days, been of opinion that it would be highly desirable that this question should be settled during the present Session. I shrink, I must say, from the religious and ecclesiastical agitation which I see before me, and the consequences of our neglecting to fulfil what I think may be considered to be our duty in the present instance—to pass a measure temperate and moderate, I believe, in its scope, as I know it to be so in its conception. Further, if we refuse to pass this Bill, which is essentially conciliatory, we may find ourselves called upon to contend with far greater difficulties, and be obliged to apply as a remedy measures of a character far more stringent—measures of a character which one does not wish to associate with the feelings of religion, and with those sentiments which hon. Members on both sides of the House equally honour and appreciate—sentiments of goodwill towards our neighbours with regard to those religious opinions which they may respect and revere. I have announced that so far as I am concerned—and I am speaking for myself only, but strongly for myself—the House will have on Friday the opportunity of deciding on the Resolutions and the possible Bill of the right hon. Gentleman. My opinions on the Resolutions have been expressed already, and it is not necessary for me to repeat them; but to those Resolutions I repeat I shall give an uncompromising opposition. If they are unsuccessful, so far as I am concerned—believing that it is for the advantage of the Church, and certainly for the welfare of the country, that we should, if possible, apply a remedy without loss of time to an evil now universally acknowledged by all parties and all schools of religious thought in this House—I shall hope that, by the assistance of the House, the learned Recorder may have the opportunity of carrying the Bill he has introduced.

MR. HUSSEY VIVIAN, who spoke amid considerable interruption, said, he

had never inopportunately trespassed on the time of the House, and he rose now solely under a deep sense of duty. He desired to make an earnest appeal to his right hon. Friend the Member for Greenwich not to proceed with the Resolutions of which he had given Notice. It had never happened to him (Mr. Vivian), during the 22 years he had occupied a seat in that House, to see such an unanimous feeling on both sides of the House in favour of any measure. His right hon. Friend had announced that he would oppose the Bill at every stage. [Mr. GLADSTONE: I never said a word like that.] If he had not said that, his right hon. Friend must feel that the course he had sketched out in submitting these Resolutions would have the effect of throwing over the Bill for that year by the lapse of time. If the right hon. Gentleman took that course, he would do so against the wishes of a large number of hon. Gentlemen on his own side of the House, who for many years had been his persistent and consistent supporters. He (Mr. Vivian) had supported the right hon. Gentleman for 22 years, except on the single occasion when, in company with a few other Liberal Members, he supported the right hon. Member for Buckinghamshire in carrying the great measure of Reform which he introduced. With that single exception he had always followed his right hon. Friend into the Lobby. There could be no doubt as to the feeling of hon. Members on that side of the House in regard to the Bill. Supposing it had been introduced earlier, it might have been a proper course to propose a series of Resolutions; but, at that time, and with the sense of the House of Commons so much in favour of the Bill, he trusted his right hon. Friend would feel that he had discharged his duty in laying his plan before the House. Undoubtedly, that plan would not receive a large amount of support; he believed there were not 20 Gentlemen on that side of the House who would go into the Lobby with his right hon. Friend. [*Laughter.*] He considered this that was no laughing matter. He earnestly desired that the Bill should pass, and that it should pass this year. He saw grievous ills and great religious excitement ahead if the matter were not now settled, and therefore he earnestly hoped it might be settled now. The measure was a mode-

*Mr. Hussey Vivian*

rate one, and he did not admit that it was launched against anyone, except against the wrong-doer. Its object and scope were to cause the law to be obeyed. Therefore, he ventured, he hoped not presumptuously, to appeal in the most earnest manner to his right hon. Friend not to interpose between a large number of his Friends who desired that the Bill should pass this year. He earnestly hoped his right hon. Friend would not pursue the course he had announced, and he entreated him to withdraw the Resolutions and to allow the Bill to pass; and, if it needed amendment at a future time, there was no man in the country who was so capable of amending it as he was. If legislation went on in the direction desired by those who wished to check the sapping of our Protestant faith, it would receive support not from that side of the House alone, but also from hon. Members on the opposite side.

MR. HUBBARD (*Buckinghamshire*) said, as a Churchman and a Conservative, he wished to vote for the spirit of the Bill, but he wished to put a most solemn question to the right hon. and learned Gentleman the Recorder of the City of London, whether as a Churchman and a Conservative he was not equally bound by part of an Act of Parliament, and the Prayer Book of the Church of England, while voting for the Bill as regarded infractions of the law which were certain, to assert that the House awaited the review of Convocation of those rubrics where the law was uncertain? The Prayer Book was itself the revision of an old Prayer Book submitted to Convocation, reviewed and altered by Convocation, and finally ratified by Parliament. He did hope that some such assertion of the Parliamentary law as regarded the rubrics would prevent the pain of a division on a Bill, the principles of which were approved by all loyal members of the Reformed Church of England.

MR. RUSSELL GURNEY said, that the patience with which the House listened to him some nights ago indisposed him to trespass on its attention now. At the same time, it would scarcely be respectful to the House or to hon. Members who had spoken, if, having introduced the Bill, he were to disregard some things which had been said. Much that he would otherwise have wished to

say had been said by hon. Members who had taken part in the debate, but there were some points he should wish to notice. First, he would respond to the appeal just made by his hon. Friend near him (Mr. Egerton Hubbard). His hon. Friend wished to know, whether, as a Churchman and a believer in the Prayer Book, he could support the Bill without some declaration as to the necessity of consulting Convocation previously to passing it? That was a matter on which he could not afford any relief to the conscience of his hon. Friend. He felt most strongly that they must proceed in independence of the action of Convocation. He could not consent to wait until to-morrow for the verdict of Convocation, if he should thereby recognize the principle that they were debarred from acting without the approval of Convocation. They had had an opportunity of taking action on these rubrics long ago. In 1872 these matters were referred to them; Letters of Business had been issued; a committee had been appointed; but still nothing had been done; and what had been left unaltered were precisely those very rubrics upon which we were now told we wanted their advice and assistance. He could not, therefore, recognize the doctrine that Parliament ought to wait for any future action on the part of Convocation. He was very sorry to lose the vote and support of his hon. Friend, because he knew the value of them, but he could not take them at such a price. Some objection had been taken to the statement that the Bill came before them sanctioned by the authority of the Episcopal Bench. The expression he used was, that almost universally they supported it. He was told there were some Bishops who had been discovered to object to it. If any of the Bishops were opposed to it, their number must be very few, and he must say that the opinions of the Bishops should be judged from what they said and from how they acted in the House of Lords, and not what they were stated to have said elsewhere. Why, in the very last Division in the House of Lords on that part of the Bill which had been most discussed, 15 Bishops and the Archbishops voted on one side, and two Bishops on the other. And even that was only an exceptional case; but he believed that in one solitary instance

that was the case. He thought, therefore, that he was fully justified in the statement he had made to the effect that the Bill had come down to that House with very great authority. He need not deal with the point referred to by the right hon. Gentleman the Member for Greenwich as to the necessity of a Bill of that kind being supported both by the Government and by Convocation, because it had been already shown that on that point he could quote an opinion of the right hon. Gentleman against his present argument. But there were one or two points in the right hon. Gentleman's speech to which he must refer. The right hon. Gentleman had charged him with inconsistency, because while he had stated that he would be glad to widen rather than to contract the boundary lines of the Established Church, he had stated that the Bill would deal alike with acts of omission and of commission. He adhered to both of those statements. He would gladly widen those limits, but he would do it by a frank alteration of the law, and not in the mode proposed by the right hon. Gentleman, who, if he could have his way, would build up a congeries of Congregational churches upon the ruins of the Established Church. And though the Bill dealt alike with omissions and commissions, the right hon. Gentleman had omitted to state that it provided against abuse by the provision that it should be applied only to those cases where, in the discretion of one whose discretion they had the utmost right to believe in, it should be necessary to exert its powers. The right hon. Gentleman said that he had presented a false issue to the House. In his (Mr. Russell Gurney's) simplicity, he had imagined that, in pointing out the evils of the present Act, and the mode in which this Bill would remedy those evils, he was presenting the real issue to the House while asking it to support the Bill. The right hon. Gentleman occupied a considerable time in talking of a Bill which had been sketched, but he said comparatively little on the only Bill that was before the House. There was another point in the measure to which he (Mr. Russell Gurney) thought great force should be attached, and that was a point also which the right hon. Gentleman had overlooked in the course of his speech, and had even appeared to avoid. The right hon.

Gentleman talked about the future sufferings of Low Churchmen, and Broad Churchmen, and High Churchmen, but never once did he say a word about the way of remedying the evils of the present law. It was the fact that not a single new offence was created by this Bill, whilst it would undoubtedly save both parties in any lawsuit from enormous expense and from enormous delay. The right hon. Member for Greenwich had apparently been in great fear of the indiscretion of the Bishops, and it would appear that he had measured the discretion of the Bishops by the want of discretion in the Members of his own Cabinet. Well, the right hon. Gentleman might be regarded as an authority on that subject, for he had made many Episcopal appointments. Was it reserved until the passing of this Bill for the Bishops to become suddenly indiscreet? They had been invested with the powers of which the right hon. Gentleman was afraid for the last 40 years. The matter upon which they were now called to decide was the Amendment of the hon. Member for the City of Oxford (Mr. Hall), who complained of the uncertainty of the law. There were many points upon which the law was perfectly certain, and he wished to be allowed to remind the House that the fear with which the measure was regarded in certain quarters outside the House was not dictated by any annoyance as to the uncertainty of the law, but by a knowledge of its certainty. The most important point of the Bill, and one which he particularly wished to come into operation, was that which provided—and it was introduced at the recommendation of the Houses of Convocation—that when an offending clergyman had been allowed a certain length of time for repentance, he should, if necessary, be not merely inhibited, but that he should be deprived of his living. One clergyman—whose case would shortly be before the Court, and on which he (Mr. Russell Gurney) would express no opinion—had published a letter in all the newspapers, in which he told them he protested against the constitution of the Court of Appeal, as being contrary to the law of the Church. He was not surprised that a clergyman should have that sort of misgiving about the constitution of the Court of Appeal, for he was sanctioned by a high authority. He had re-

*Mr. Russell Gurney*

ceived, in the course of that discussion, documents which were sent to him by people who desired to extend his information upon the subject under debate, and among various other extracts were some from a particular pamphlet, which, he thought, could hardly be correctly quoted, and which argued that the Ecclesiastical Courts then established were not entitled to obedience. He obtained a copy of that pamphlet, and to his surprise he discovered that the right hon. Gentleman the Member for Greenwich was the writer quoted as an authority for the statement that these Courts should not be recognized. He found that when the right hon. Gentleman was a Minister of the Crown, in January, 1865, he had authorized the republication of a pamphlet, in which he proposed this question—

“Is the present composition of the Appellate Tribunal conformable either to reason or to the statutes of the Reformation and the spirit of the Constitution as expressed in them?”

And at the close of an argument he answered the question—

“And thus I arrive at the answer to my second question, proposed at the outset, namely, this—that the present composition of the Appellate Tribunal, with regard to causes of doctrine, is unreasonable, unconstitutional, and contrary to the spirit of the Reformation statutes.”

The right hon. Gentleman also said—

“Now, I say that the intention of the Reformation, taken generally, was to place our religious liberties on a footing analogous to that on which our civil liberties had long stood. A supremacy of power in making and administering Church Law as well as State Law was to vest in the Sovereign; but in making Church Law he was to ratify the acts of the Church herself represented in Convocation, and, if there were need of the highest civil sanctions, should have the aid of Parliament also, and in administering Church Law he was to discharge this function through the medium of Bishops and Divines, Canonists and Civilians, as her own most fully authorized, best instructed sons. But of Courts of Appeal not composed of such persons, appointed by Parliamentary majorities and assented to by the Sovereign, on the advice of Ministers whom those majorities had constrained him to accept, the Church knows nothing, and this, whether such Courts be nominally composed of her members or not, except that if they chance not to be so composed, the evils of such system, in either case intolerable, are only rendered, not perhaps more real, but only the more glaring.”

[[“Divide!”]] He assured the House that he should detain it for but a few moments. He wished once more to stress the necessity for immediate evils of which complaint growing daily. What



of this country together was a fixed determination that the law should be obeyed. In another country, when the law was hateful, the appeal was at once to the barricades. In this country the appeal was happily to that Legislature. Feeling as he did the immense importance of putting a check at once on openly avowed disobedience to the law, he trusted that the House would, at any sacrifice of convenience, pass the Bill this Session. He himself would probably be the greatest sufferer by such a course, but in asking the House to pursue it, he was considering the interests of peace in their Church, and of order and good government.

Question put, and *agreed to*.

Main Question put, and *agreed to*.

Bill read a second time, and *committed for Friday*, at Two of the clock.

House adjourned at a quarter  
before Seven o'clock.

## HOUSE OF LORDS,

*Thursday, 16th July, 1874.*

MINUTES.]—PUBLIC BILLS—*First Reading*—Industrial and Reformatory Schools\* (180); Sanitary Laws Amendment\* (181).

*Second Reading*—Municipal Privileges (Ireland) (132), *put off*; Hosiery Manufacture (Wages)\* (163); Agricultural Tenants Improvements\* (149), *put off*; Slaughterhouses, &c.\* (172); County of Hertford and Liberty of Saint Alban\* (167).

*Report*—Building Societies\* (164).

*Third Reading*—Personation\* (138), and *passed*.

*Royal Assent*—Statute Law Revision [37 & 38 Viet. c. 35]; Apothecaries Act Amendment [37 & 38 Viet. c. 34]; Conjugal Rights (Scotland) Act Amendment [37 & 38 Viet. c. 31]; Drainage and Improvement of Lands (Ireland) Act, 1863, Amendment [37 & 38 Viet. c. 32]; Leases and Sales of Settled Estates [37 & 38 Viet. c. 33]; Gas and Water Orders Confirmation [37 & 38 Viet. c. lxxxvii.]; Drainage and Improvement of Lands (Ireland) Provisional Order [37 & 38 Viet. c. lxxxviii.]; Local Government Board's Provisional Orders Confirmation (No. 3) [37 & 38 Viet. c. lxxxix.].

## MUNICIPAL PRIVILEGES (IRELAND)

BILL.—(No. 132.) (*The Lord O'Hagan*.)

### SECOND READING.

*Order of the Day for the Second Reading.*

LORD O'HAGAN: My Lords, when I undertook the conduct of the Bill which I shall ask your Lordships to read a second time, I had no reason to believe that I should need to press its proposals by any laboured argument. It aims to assimilate the municipal law of England and of Ireland, and to restore to important institutions, which are common to both countries, an identity of privilege and action which once existed and was unhappily destroyed. If it be accepted by Parliament, it will confer on the corporations of certain counties of cities and counties of towns, in Ireland, the power of appointing their own sheriffs and clerks of the peace and bestowing, on persons distinguished by intellectual eminence or public service, the honorary freedom which is in the gift of similar bodies in other districts of the Empire. It seeks to restore those rights only to six Irish communities, whilst they are enjoyed by at least 20 of the municipalities of England, many of which are inferior in population and social importance to those in Ireland, which desire and are denied them. Before the Corporate Reform Act, the old corporations possessed those rights, and they were conceded in the first draft of the measure of Lord Melbourne. But when it was introduced, party feeling was strong and fierce. In this and the other House of Parliament, there was great excitement on the discussions which attended all its stages. It was bitterly opposed by powerful minorities and heated orators, for many troubled years. Its possible mischiefs were enormously exaggerated; its possible benefits were magnified, perhaps, overmuch; and it was carried at last, as is usual in cases of the kind, at the expense of a compromise, involving, amongst other things, the creation of a civil inequality between England and Ireland on the matters which this Bill submits for the consideration of your Lordships. By its provisions, that inequality will be done away, and the Irish subjects of the Queen will be relieved from the rankling sense of inferiority and injustice which such invidious distinctions are ever calculated to produce when they are established without reason and maintained without necessity. My Lords, a measure having such a worthy purpose is surely entitled to your favourable attention, and its history in the House of

Commons ought, in my judgment, to put its acceptance here beyond all controversy. In that House, it received the support of Her Majesty's Government. In its principle and its details, it was sustained by the Chief Secretary of the Lord Lieutenant and my right hon. and learned Friend the Attorney General for Ireland. It was settled by a Select Committee, presided over by the Chief Secretary, with the aid of my noble Friend his predecessor (Lord Hartington), and many other able and distinguished men; and it comes up to your Lordships, having passed the Commons without a division on any one of its clauses. Under such circumstances, I might well have supposed that its adoption by your Lordships would have been unresisted; but I grieve to find that this is not so. The noble Earl opposite means to move its rejection, and, whatever may be the issue of the effort, I cannot but think it had been better spared in the interests of sound policy and the promotion of that kindly feeling and mutual confidence which you should strive to cultivate between the English and the Irish people. I trust your Lordships will not countenance an opposition so unwise in its conception, and so likely to be disastrous in its result. You will not reject a Bill which is recommended by such a weight of authority, unless there be coercive reasons for setting at naught the decision of the Government, confirmed by the sanction of the House of Commons, and applauded by men of all parties in that House, as inaugurating a policy of justice and conciliation. But, the case does not rest on authority merely. If there had been no such full consideration and deliberate approval of the measure, I would appeal to your Lordships confidently to adopt it on its merits. It asks that you should deal equally with the people of a United Kingdom which will find its connection best consolidated by the extension of common privileges to all within its bounds. And, for that great purpose, it is surely important that unwarrantable distinctions in the powers and attributes of its municipalities should not be permitted to exist. To nations, such municipalities have always been the kindest fosterers, and the surest guards, of civil liberty and healthy social progress. In the old Roman times, and in the Middle Age, and equally in the modern world, they have proved themselves the aptest in-

*Lord O'Hagan*

struments of civilization—stimulating energy, forming and training opinion, teaching self-respect and self-dependence, and making men recognize the sacredness of public trust and the nobleness of spending themselves in the discharge of public duty. But I shall not waste more words by speaking further in the abstract of such a subject. I advert to it at all, only for the purpose of saying that if in England, who rests so largely, for her greatness and her freedom, on the old foundations of her system of municipal self-government, it needs to be maintained; in Ireland, the wholesome development of that system is not less desirable. The things of which I have spoken—the creation of a sound opinion, the nurturing of the spirit of self-dependence, the recognition of the seriousness of public responsibility, sound discipline in the conduct of public affairs—these things are of vast consequence to Ireland, and to aid in the achievement of them all, her municipal institutions should be made assistant in the spirit of a large and liberal statesmanship. Whatever may have been the results of legislation heretofore in this direction, we have no reason to despair of their improvement in the future; and that improvement will surely be promoted by a change, which, whilst it will enlarge power and increase responsibility, will also knit together more closely the members of the Empire, by giving them a greater community of action and of interest. Assimilation, my Lords, in the laws and customs of these Kingdoms is always desirable, when it can properly be attained. Often, it cannot be. And regard must be had to the varying incidents and the changing phases of our social life, when we are required to follow in one country the example of another. There are differences in character, and circumstance, and progress which need to be considered, when we are asked to assimilate; and assimilation, merely for the sake of assimilation, would sometimes be a mischievous mistake. But *prima facie*, and in the absence of strong reason to the contrary, it is plainly desirable for the general interest; and in the case before your Lordships, I pray you to consider that there really is no reason at all for meting a different measure to England and to Ireland. What, in this regard, is good for the one coun-

try ought to be good for the other; and if there be ground for denying Ireland the right she demands, on the same ground it should be withdrawn from England. What suggestion has there been, reasonably justifying the denial? There was none in the House of Commons; there was none before the Select Committee, in the evidence of the witnesses which, on the contrary, was all favourable to the claim. There is none in the Report of that Committee. There has been none anywhere, until this moment. The Irish corporations exercise large powers—large powers of taxation and large powers of patronage. They appoint important and highly-paid officials, with much authority and control over affairs. They appoint officers whose election clothes them even with judicial functions. And they have appointed those officers fairly and well, and with a proper regard to the efficiency of the public service. Why should they be refused the right of appointment to inferior positions? Why should it be insultingly asserted, in the absence of all proof, that they would misuse that right and pervert it to purposes of personal advantage or public mischief? What ground is there for the slanderous imputation that, in such circumstances, they would act with less integrity or independence than their English neighbours? What pretence is there for believing, that powers which have been exercised, for ages, without complaint, in some of the smallest boroughs in England, cannot be safely entrusted to the great municipalities of Dublin, Cork, or Limerick? And if there be no satisfactory answers to these questions, why should you continue to gail a proud and sensitive people by maintaining an inequality which brands them as inferior to their fellowmen? My Lords, as I have said, I have sought in vain for reasons to justify such a course in the debates of the House of Commons, or the deliberations of the Select Committee on this Bill. I have found them presented only in three or four Petitions, which have come from citizens of Dublin and Chambers of Commerce and Conservative Associations in Limerick and Cork. The Chambers are private establishments, without any representative authority, and of the Conservative Associations I know nothing. But, the reasons they allege

seem to be mainly two. They say, that a sheriff popularly elected may harm the administration of justice in executing writs and summoning juries improperly, and that the power of making honorary freemen may be used for fraudulent purposes in connection with the corporation. Now, as to the sheriffs—In the first place, I repudiate the gratuitous assumption, that men fit for the discharge of the duties of the shrievalty would not be chosen in Ireland—men quite as fit as are chosen in England by the corporations of small communities having no sort of claim to superiority over their Irish co-mates. But next, so far as writs and executions are concerned, the sheriff can do no evil for which he is not answerable. And, further still, in the greater number of the six towns with which only the Bill is conversant, the evidence before the Select Committee clearly shows, that he has little of such business or such responsibility—so little, indeed, that Mr. De Moleyns, a Queen's Counsel of the highest character and largest experience—concurring with the testimony of Dr. Hancock, one of the ablest of living statisticians—described their official occupations as “illusory.” Clearly, on this score, there is no good ground for the objection. And then, as to the summoning of juries, there are the plainest answers. If by any chance it should appear that there is the slightest danger of a miscarriage in any criminal trial within a limited jurisdiction, the statute law gives to the public prosecutor absolute power of laying the venue in the adjoining county, in which the city sheriff is wholly without influence. But, further, under an Act which I had myself the honour of introducing to your Lordships, the Irish sheriffs have no longer any power of selecting jurors; they are merely ministerial officers, and they cannot, by possibility, affect the constitution of the panel. This is the law; and I believe it to be a wise and a beneficent law, which the opinion of the country will not permit to be reversed. I know the violence of opposition which that salutary Act evoked. I know the denunciations and the scoffings and the fictions which were employed to discredit it; but I believe its principle to be impregnable, and, until it is repealed, the main argument against this Bill has no colour of feasibility. Even if the resolutions of the Committee

on that statute—the single one of which, really adverse to it, was carried only by a casting vote—should be acted upon by Parliament, the change would not restore the ancient system which gave official power to manufacture juries at discretion, for the Report declares the necessity of securing “absolute impartiality” in the empanelling of juries, and recommends the use of the Ballot, in criminal as in civil cases. Therefore, there is nothing in this objection; and when I add that the Bill enables the Lord Lieutenant to supersede the sheriff if fit occasion should arise, I think I have abundantly disposed of any pretence which can be urged, in the apparent interest of the administration of justice. As to the power of making honorary freemen, the objection is too idle to need serious reply. The clause was inserted, because it has been found unpleasant that Irish corporations should be unable to compliment persons of high reputation, or public benefactors, as they are complimented in Scotland and England. It was thought too bad that the Irish Sir Garnet Wolseley could not receive in his native land the distinction bestowed by an English municipality, and I do not believe that your Lordships will grudge the privilege which would have enabled his compatriots to honour him and gratify themselves. The suggestion of possible fraud is foolish, and the whole matter, on this branch of it, is too trivial to warrant grave discussion. Indeed, the Bill claims little, and, if it passes into a law, will not accomplish very much. But it touches equality and justice. It enables your Lordships to do a graceful and a gracious act. It tends to assimilate and identify the institutions of Great Britain and Ireland, and so to consolidate the Union you desire to maintain. I ask you to pause before you reject this Bill, and so disappoint expectations fairly formed and strongly encouraged by the past action of Parliament. You may adopt the measure with perfect safety, and with the great advantage of demonstrating a kindly feeling and a generous confidence, which will not be without appreciation and response. You have a rare opportunity of dignified conciliation and concession. You can conciliate without admission of weakness or risk of injury, and conciliate without compromise of principle or

*Lord O'Hagan*

honour. I move that the Bill be now read a second time.

*Moved*, “That the Bill be now read 2<sup>d</sup>.”  
—(*The Lord O'Hagan*.)

THE EARL OF BELMORE, in moving that the Bill be read a second time this day three months, said, he should endeavour to show—first, that it was inexpedient that it should pass at all, and secondly, that even were it ever so desirable, that that was not the proper time. The Bill dealt with three matters in connection with the counties of cities in Ireland—namely, with the sheriffs, the clerks of the peace, and honorary burghesses. Of these, the first and the last were the most important. As for the clerks of the peace, had they only been concerned, probably the promoters of the Bill would not have taken the trouble to bring it in, and if they had done so, he (the Earl of Belmore) would have been very unlikely to have taken up their Lordships' time by opposing it. With regard to the sheriffs, the Bill proposed to restore a state of things which was done away with by the Municipal Corporations Reform Act, 1840. By that Act the sheriffs of counties of cities were placed on the same footing as the sheriffs of the counties at large, who were nominated by the Crown. Prior to that Act they were elected by the corporations, and this was the power which the promoters of this Bill sought to restore. In 1840, the reform as regarded the sheriffs was made by an Amendment in this House, moved by Lord Lyndhurst. The question of municipal reform had been before the House several times. The noble and learned Lord had mentioned the year 1835. He (the Earl of Belmore) had not gone back so far as that, but, at any rate, there was an annual Bill from 1836 to 1840, when the existing Act was passed. In 1836 an Amendment appeared to have been carried in the House of Commons, taking the power of nominating sheriffs from the corporations, and vesting it in the Crown. The Government seemed to have adopted this Amendment in that year, for he found at page 1125 of vol. xxxii. of *Hansard* (3rd series), Viscount Melbourne, the Prime Minister, in moving the second reading of the Bill, using these words:—

“The Bill, by the 53rd Clause, invested the Lord Lieutenant with the power of appointing Sheriffs in the cities which were counties of

themselves who were elected by the English Corporation Bill by the town-councillors. It was hardly necessary that he should explain to their Lordships, it would be much better that the appointment to an office so intimately connected with the administration of justice should be vested in the Crown, than that it should be determined by election."

He (the Earl of Belmore) thought that this was tolerably strong language. Passing by the years 1837 and 1838, in 1839, on the 25th of July, in Committee on the Municipal Corporations Reform Bill, he found Lord Lyndhurst using the following language—Lord Melbourne having meanwhile apparently changed his mind:—

"First, with respect to the sheriffs. The appointments of the sheriffs in the counties of cities and counties of towns in Ireland should be the same in such cases as in counties generally. According to this Bill it was proposed that three persons should be recommended by the town council, and if the Lord Lieutenant should not be satisfied, three others should be selected. He wished to have the opinion of the Lord Lieutenant in such cases, but he certainly thought that the town councils were unfitted to perform such a duty as was desired to be conferred upon them. He should therefore propose that the appointment of sheriffs in the counties of cities and counties of towns should take place in the same manner as in the counties of Ireland generally."

An earlier Amendment of the noble and learned Lord having been carried by a large majority, this one appeared to have been accepted without a division. In 1840, the year in which a Bill dealing with the subject actually became law, Lord Lyndhurst referred apparently to what had passed in the previous year, although *Hansard* made him mention the year before that, when he (the Earl of Belmore) did not find that the point about the sheriffs was raised in this House. Lord Lyndhurst said—

"That Bill had been amended in their Lordships' House, with the assent of the noble Viscount at the head of the Government, and he saw the same reasons for proposing an Amendment similar to that which had before received the assent of their Lordships, of which reasons he conceived the strongest to be, that as the sheriff's duty was magisterial and connected with the highest department of the administration of justice within the law, that office ought not to be subjected to the mere choice of the persons composing the Corporation, but ought to be vested in the first magistrate of the country. He was not prepared to find that this clause of the Bill should, after the discussion which had taken place on the occasion alluded to, be restored to its original state. He should now move as an Amendment that the clause be altered, so that the appointment of the sheriff of corporations in the cities, boroughs, and towns of counties in Ireland, should be vested, as was

now the practice with respect to the sheriffs of counties throughout Ireland, in the Lord-lieutenant."—[3 *Hansard*, lv. 191-2.]

The Amendment was agreed to. He had thus shown that the House of Lords was consistent in maintaining the principle advocated by Lord Lyndhurst. He would now draw their Lordships' attention to the importance attached to it by an even greater man than Lord Lyndhurst, one who, whatever individuals might think of him, was certainly not a bigot. Sir Robert Peel concluded a speech on the 8th February 1837, on a Motion to bring in a Municipal Corporations Reform Bill into the House of Commons with these words—

"There is only one other point to which I wish to refer, and as the best reward for the patience with which the House has done me the honour to listen to me, I will confine myself to that, and ask how the granting of municipal reform will interfere with the administration of justice? These corporations are to have the appointment of the sheriffs, and consequently the chief influence in the administration of justice; and let me ask what will be the consequence of such a concession in the present heated and feverish state of Ireland? What will be its effect on the minority, but to deprive them of that free and independent action which is necessary for the administration of justice? And let me appeal again to that same Fox who warned his audience against mistaking paper regulations for practical institutions—against attempting to establish any identity of institutions in countries of different habits and different manners, and distracted by religious jealousy, thereby interfering with the administration of justice and the protection of equal laws, and not giving that justice which it was the duty of every legislature to give to the minority as well as the majority."—[3 *Hansard*, xxxvi. 401.]

He (the Earl of Belmore) would ask, were there now no differences? It was true that there was no longer any question of Protestant ascendancy, which in a legal sense had ceased to exist, but were there no religious jealousies? Was there no party feeling? It was notorious that in the Dublin Corporation, party feelings ran high. He would now refer to the Petitions against the Bill. In the House of Commons there were no Petitions, but in this House there were some, both for and against the Bill, which showed, he thought, that public opinion had not been attracted to it when it passed the second reading elsewhere; and which quite justified this House in considering, and him in asking the House to consider, if the Bill ought to be allowed to proceed. The noble and learned Lord (Lord O'Hagan) said, that the opposition to the Bill was foolish, and

he had treated the Petitions against it lightly. He (the Earl of Belmore) would not refer to those which came from bodies such as the Dublin Constitutional Club, because they might be said to be of a mere party nature; but were such bodies as the Dublin Chamber of Commerce or the similar bodies in Limerick and Cork not entitled to consideration? The Dublin Chamber of Commerce said in their Petition, a copy of which he held in his hand—

“That in the present state of this Country the proposed transfer of the appointments of Sheriffs and Clerks of the Peace from the Crown would be a most dangerous experiment, and highly detrimental to the due administration of Justice.

“That inasmuch as the duty of executing the Writs of the Crown and the judgments of the Courts of Law, and, it may be, the whole practical working of the Jury System will devolve upon the Sheriff, his appointment ought not to be left to the chances of Party or Political Elections.

“That in the levying of Executions for debt in large commercial transactions, a very heavy pecuniary responsibility frequently rests on the Sheriff; and it is therefore necessary that only persons of established social position and property should be appointed to the office.

“That it is very unlikely this result will be attained by a popular election such as proposed, or that suitable persons will consent under such circumstances to be put in nomination for this office, with its attendant expenses and responsibilities.

“That the provision in the Bill for conferring on the Town Councils the power of making an unlimited number of Honorary Burgesses is highly objectionable, as it would enable persons having no qualification as ratepayers or residents to be appointed to corporate offices, now requiring such qualification, and to be elected on the Town Council and to the office of Mayor to the exclusion of duly qualified citizens.”

As regarded the Petitions in favour of the Bill, it appeared that that of the Corporation of Dublin was agreed to by a bare quorum, collected with difficulty, and after waiting upwards of an hour, whilst that from Cork was only passed by suspending the standing orders. The noble and learned Lord had referred to the Select Committee on the Bill in the House of Commons. The evidence taken before that Committee had been communicated to this House, and he (the Earl of Belmore) had read it. It showed, not a case for the Bill, but how great an anomaly there was in maintaining these separate jurisdictions at all. At Carrickfergus, which had, for some reason of which he was not aware, dropped out of the Bill in the Select Committee, it appeared that in 1872, 426

jurors were summoned, of whom 46 were required for fiscal business, and the remaining 380 for trials of which there were none; in Kilkenny 620 jurors were summoned to try an average of two prisoners in each Court; and at Drogheda, 632 for an average of 1½ prisoners in each Court. At the same time the average number of records were, at Carrickfergus none; at Kilkenny, one; and Drogheda, two. The noble and learned Lord said there would be nothing for these sheriffs to do, which seemed to him (the Earl of Belmore) to be a strong reason against the Bill. No doubt Dublin was a large city, and he did not object to its having a separate jurisdiction, but he thought that these other small jurisdictions ought to be abolished. His noble and learned Friend had referred to the Report of the Select Committee of the House of Commons on Juries. It was true that by a recent Act passed by the noble Lord himself, the power of selecting juries had been taken from the sheriffs, and an alphabetical system substituted; but that arrangement had worked so badly that it could hardly be said to have worked at all. The Petitioners against the Bill had referred to a possibility of the sheriff having again to select juries, and the Committee of the House of Commons had recommended a return to the old system with certain modifications for securing impartiality. He (the Earl of Belmore) thought that the noble and learned Lord had failed to show any reason why this retrograde measure should pass, and he concluded by moving that it be read a second time that day three months.

An Amendment moved to leave out “now” and insert (“this day three months.”)—(*The Earl of Belmore.*)

THE EARL OF LIMERICK said, he should feel it his duty to support the Amendment. The reasons put forward by his noble and learned Friend (Lord O'Hagan) in favour of the Bill were not reasons of practical utility, but sentimental reasons. The difficulties connected with such a change were considerable. One thing important to consider was, whether the same state of feeling which existed in England and Scotland in respect of municipal institutions and privileges existed in Ireland also, so as to make it desirable to extend to Ireland the same privileges as in the sister Kingdoms? — *What it plain it did*

*The Earl of Belmore*

not. Elections would be often decided on political and religious grounds rather than on personal fitness, thus aggravating the dissensions which now unhappily were frequent. It was true that in England the right of electing their sheriffs enjoyed by counties of cities, and counties of towns which possessed that right before the Municipal Reform Act, had not been taken away by that Act, while the right of cities and towns in Ireland similarly privileged was taken away by the Irish Act in 1840, yet the system had not been extended in England; and that he thought was an argument against restoring it to the Irish cities, from whom it had been taken. Petitions very influentially signed, from Limerick and other cities, had been presented against the Bill, and there was no strong expression of public feeling in its favour. He believed that in voting against the Bill he was only acting in accordance with the best interests of the people of Ireland.

LORD LISGAR was for equalizing the institutions of both countries as far as possible; but he doubted very much whether the appointment of Sheriffs was a privilege which ought to be allowed to any municipal body; and certainly he thought that in Ireland it was not desirable to entrust the municipal corporations with the appointment of persons connected with the administration of justice. He had presented a Petition from citizens of Dublin against the Bill. That was not a party Petition, but was, as he was informed, numerously signed by men of different parties. As to sentimental reasons in favour of the Bill, there had been of late too much sentiment and too much sensational legislation in reference to Ireland. Many persons in Ireland viewed this Bill with more alarm than he did himself. Very competent authorities had given it as their opinion that in England those small jurisdictions should be abolished; but no Government had been powerful enough to abolish them, such was the influence which they derived from their local patronage. But if they could not abolish these jurisdictions, they ought not to extend them. Take the case of one of the towns included in this Bill—Drogheda. It had 14,000 inhabitants. It had a Grand Jury and a Corporation, one of which bodies expended £4,000 a year and the other £3,000. There was a Secretary for the Grand Jury and a

Town Clerk for the Corporation. In addition, it was now proposed that the Corporation should have power to appoint a Sheriff and a Clerk of the Peace. On the whole, he thought the subject was one which the Government would do well to take into their own hands. If, however, this was not done, and the Bill passed the second reading, he would suggest that it be referred to a Select Committee, in order that the subject might be considered in all its bearings, with some reference to the course intended to be taken in regard to the Jury Laws in Ireland.

THE EARL OF BANDON opposed the Bill, remarking that he had presented a Petition from Cork—one of the cities that were counties in themselves, and which consequently was immediately interested in the question—against the Bill. The Irish Municipal Corporations exercised the power they already possessed before proposing to extend them. The proposal now under their Lordships' consideration was introduced in the other House by the leader of the Home Rule party, a party who were anxious to pass any measure which would give increased power to the Municipal Corporations of Ireland; and he ventured to suggest that before passing this Bill they would do well to inquire how these Corporations had exercised the powers which they had possessed for the last 35 years. What Ireland required was not a continuance of sensational legislation, but, rather, sober measures calculated to increase the material prosperity of the country and add to the happiness of the people.

EARL GRANVILLE said, that their Lordships were entitled to know before voting on this Bill, whether or not it had the approval of the Government, for he held that whenever measures affecting the administration of justice were brought forward the opinion of the Government ought to be clearly stated. The necessity for such a course was the stronger on the present occasion, because this was one of several similar Bills which had been introduced, and with regard to which the Government had taken different lines of action. He thought that both in that and the other House of Parliament they should be anxious to remove all unnecessary differences between the two countries, and he thought that a good *prima facie* case had been made out by his noble

and learned Friend (Lord O'Hagan) in favour of this Bill, but he thought the Government ought to say distinctly what was their view. Nothing could be more unsatisfactory than that the Government should in the other House of Parliament assent to a Bill of a popular character with regard to Ireland, and then leave their Lordships in the invidious position of rejecting the measure in the absence of either support or opposition from the Government.

THE LORD CHANCELLOR said, he did not think Her Majesty's Government deserved the rebuke they had just received from the noble Earl (Earl Granville), inasmuch as it was not unnatural that he should have refrained from addressing the House until their Lordships had had the opportunity of hearing what were the opinions of those noble Lords who were more intimately connected with Ireland on the subject. The noble Earl might, too, he thought, have seen that he was about to address their Lordships when the noble Earl (Earl Granville) himself rose, and that he gave way to him. He quite agreed with the noble Earl—and the argument was a plausible one—that in regard to municipal corporations in Ireland there should be granted such privileges as, under present circumstances, were possessed by the municipal corporations in England. But a circumstance had occurred which had somewhat altered their position towards the measure, and as it was one of considerable importance, he wished for a moment to direct their Lordships' attention to it. He alluded to the Report of a Select Committee of the House of Commons in reference to the duty of empanelling jurors for the administration of justice in the criminal Courts, and which was one of the main functions appertaining to the office of Sheriff. It was proposed in the Bill to give to six counties of towns—Dublin, Cork, Limerick, Kilkenny, Waterford, and Drogheda—the right of electing their own Sheriffs. Now, he believed he was right in saying that the jurisdiction exercised within the ambit of these towns was very large, if not the largest portion of the criminal jurisdiction of Ireland:—so that the consideration of how far they should modify the system of summoning jurors in those places became an important one. Now, there was no question which excited

*Earl Granville*

greater interest in Ireland than that which related to the summoning of jurors. It was a mistake to suppose that the Bills of 1838 and 1840 proposed to confer upon corporate towns the choice of the Sheriffs. On the contrary, the provision made was that they should submit to the Lord Lieutenant the names of three burgesses whom they might consider fit and proper persons to serve the office of Sheriff, out of which the Lord Lieutenant was to select one. If the Lord Lieutenant rejected all, they were to submit the names of three other persons; and in the event of these being all rejected, the Lord Lieutenant was to appoint persons of his own selection. That proposal met with the approval of the House of Commons, but was not approved by their Lordships' House, and the arrangement that the Lord Lieutenant should nominate the Sheriffs was adopted. To revert to the question of the summoning of jurors. Of course, under the then existing system the Sheriff had exercised considerable discretion in constituting the jury panel, and had continued to do so until the Bill of the noble and learned Lord (Lord O'Hagan) became law. After that time, what was called a dictionary arrangement was made, the names of the jurors being taken in alphabetical order—the office of the Sheriff becoming in that respect little more than ministerial. It was, beyond question, most important that in all cases of a political kind the jurors should be summoned as indifferently as possible. Now, he wished to speak of corporate bodies—to whom the power and duty in question was practically transferred—with all possible respect; but their Lordships could not but be aware that in no place were political subjects more keenly discussed than in those corporations, and that those subjects might become and did become connected with the administration of criminal justice in those cases which over and over again occurred in Ireland. In order therefore to guard against the possibility of a Sheriff being influenced by any bias of that kind, it had become desirable that some change should be made in the method of summoning jurors, and the question was in what direction that change should be made. A number of suggestions had been made by a Select Committee of the House of Commons, who had considered and reported upon the jury sys-



tem in Ireland. They stated unanimously that it was indispensable to the due administration of justice that the system of providing juries should be such as to secure perfect impartiality in respect of the jury panels, and—with three dissentients—they added that the system of summoning by the “dictionary” process had not worked well and required alteration. They also stated as their opinion that the distinction between the jury lists for counties and counties of towns ought to be abolished. If the second reading of this Bill were passed, he thought it would be necessary to refer the Bill to a Select Committee of their Lordships’ House to consider those suggestions; and he asked whether it was likely they could expect a Report upon the subject during the present Session?

LORD CARLINGFORD said, that the suggestion made by the noble and learned Lord on the part of the Government was tantamount to moving that the Bill should be read a second time that day three months. The measure had a singular Parliamentary history. It obtained the decided support of Her Majesty’s Government, especially of the Irish Government, in the other House; it was referred to a Select Committee, presided over by the Chief Secretary for Ireland, and on its coming back to the House it was approved by Her Majesty’s Government, and was passed with the favour of both sides of the House. It was, he thought, rather extraordinary that a measure which had received the support of the Chief Secretary and the Attorney General for Ireland when it was before the House of Commons should have received such hard treatment from the Lord Chancellor when it came up to their Lordships’ House. No doubt, since the measure was read a third time in the House of Commons a Committee had reported on the present Jury Laws of Ireland, and in the opinion of Her Majesty’s Government their Report had changed the whole situation, and, having supported the Bill in one House, the Government were determined to oppose it in the other. As far as he could see, there was nothing in the Report of that Committee which could help their Lordships to decide the question whether it was safe to give the power of electing their Sheriffs to the corporate bodies of these six Irish

towns—and since no doubt the Chief Secretary and Attorney General must have had the jury question in their minds when they expressed their approval of the Bill, he could see no reason why their Lordships should not read it a second time at once. He protested against the assumption that the legislation of the last two years with regard to Irish juries was to be reversed, and he warned the Government that they were running the risk of inflating a very small matter into one of great importance as regarded the feelings of the Irish people.

On Question, That (“now”) stand part of the Motion? their Lordships *divided*:—Contents, 46; Not-Contents, 56: Majority 10.

*Resolved in the Negative; and Bill to be read 2<sup>d</sup> this day three months.*

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AGRICULTURAL TENANTS IMPROVE-  
MENTS BILL—(No. 149).  
(*The Marquess of Huntly.*)

SECOND READING.

Order of the Day for the Second Reading, read.

THE MARQUESS OF HUNTLY, in moving that the Bill be now read the second time, said, he admitted that legislation was not so much required for the protection of tenants of large landed estates in the hands of individual owners, as for those of estates held by corporate bodies and trustees. These were neither few in number nor small in extent, and in respect of these the operation of the Bill would be most beneficial. In the case of those held by corporations, there were generally no funds by which the necessary improvements could be effected; and in the case of land held in trust, there were obvious prudential reasons why the trustees were unwilling or unable to do so. He thought, therefore, that any legislation by which the tenants should be enabled to make the improvements themselves, without the risk of losing their money, could not but be of public advantage. The effect of the present state of the law was most injurious. He knew a case of an estate in one of the Midland Counties which was devised by will to a tenant for life, and then to trustees for 21 years. The consequence was that nothing had been done for years; the buildings were in a ruinous condition, and the land was utterly unimproved. He had obtained some in-

formation with respect to the estates held by corporations in Scotland, and as the result of his inquiries he found that in the county of Aberdeen, out of a rental of £267,000, no less than £160,000 was held by trustees or corporate bodies. Again, in Edinburgh, out of estates the rentals of which amounted to £580,000 a-year, property to the value of £163,000 a-year was held by corporations; and with respect to Renfrewshire, the proportion was as £560,000 to £112,000. If, therefore, that was the case with respect to two or three Scotch counties, they might judge of the value of the land held by corporate bodies throughout the whole of the Kingdom. The object of the present Bill was to secure for agricultural tenants the value of any improvements which they made during their occupancy, whether permanent or temporary, on a scale proportioned to the durability of the improvements. He had tried to keep two things in view—non-interference with legal customs and freedom of contract. From all that he had heard, there was not the slightest chance of success in endeavouring to import any new custom into a part of the country in which it did not previously exist. All attempts that had been made hitherto in that direction had completely failed. He had, therefore, inserted in the Bill a clause to the effect that there should be no compensation for any improvement made under Act or custom. The next point which he had in view was the maintenance of freedom of contract. He had been told that he had not attained that object in the Bill; but it was certainly intended to secure it, and if it did not in its present shape, he should be glad to see a clause inserted which would do so. He admitted that there were great difficulties in framing a measure of this kind, so as to avoid making it too free on the one hand and too restricted on the other. What he proposed was, that when a contract was silent upon those improvements which were mentioned in the Schedules to the Bill, it should come into operation. The 4th clause provided that—

“This Act shall not apply to anything as an improvement which a tenant is by a contract of tenancy taking effect before the commencement of this Act expressly or by necessary implication bound or forbidden to do.”

He proposed to insert in the clause the words, “in respect to which any con-

tract of tenancy makes no express provision"—this would avoid all appearance of interfering with contract. Their Lordships would agree with him that it would be desirable to have a state of law under which there should be a constant improvement on the land, and any measure which would effect that object would be a great boon to all classes. He had divided the improvements contemplated by this Act into two classes—permanent improvements, which went to benefit the owner of the land—such as drainage, building, reclamation of waste land, fencing, roads, cottages, farm buildings, and the introduction of water or steam-power to farm buildings—and temporary improvements, such as sub-soiling, removing of stones, surface draining, manuring by phosphates amounting to at least 10 cwt. of bones per acre, or the equivalent thereof in phosphate of lime, liming, laying down permanent grass, &c., and so on, which should be done within seven years before the termination of tenancy. He proposed that where any differences arose between landlord and tenant with respect to the value of the improvement, or its duration, that it should be decided by an arbitrator appointed by the Inclosure Commissioners. He was told that the weak part of the Bill was that which made the Inclosure Commissioners the authority under the Bill. He preferred there because they were thoroughly conversant with the matter, and had the management of the Land Improvement Act. The award of the arbitrator so appointed would be conclusive. A tenant proposing to make a permanent improvement would serve a notice upon his landlord, and upon the Inclosure Commissioners. If no objection were made he would be allowed to proceed, subject to inspection, and when the work was finished he would receive a certificate from the Inclosure Commissioners, and upon receiving the certificate would be entitled to receive on the expiring of his tenancy compensation in respect of the value of the unexhausted benefit. In respect of temporary improvements he would also be entitled to compensation, but only to the annual average value of the fertilizers or corn mentioned in the Schedule. The compensation would be subject to deductions for dilapidation, and the tenant would be obliged to hand over the works in tenantable repair.

The landlord would also be allowed to charge the holding with an annuity upon certain terms and conditions. The matter was not new to their Lordships. In the Sessions of 1849, 1850, and 1851, a Bill had been introduced which was referred to a Select Committee. In 1848 Mr. Pusey's Committee reported in favour of a Bill of this kind, as being likely to extend employment and improve agriculture. The Prime Minister, the other night, expressed an opinion in favour of the general principle, and the Chambers of Agriculture had passed resolutions in favour of giving the tenant-farmers compensation for unexhausted improvements. He had, therefore, brought forward the present Bill, believing that the matter could not be discussed by their Lordships without benefit to the interests of agriculture in Great Britain.

*Moved*, "That the Bill be now read 2<sup>d</sup>."  
—(*The Marquess of Huntly.*)

THE DUKE OF RICHMOND said, he could not but think the noble Marquess would have exercised a wise discretion if he had abstained from laying upon their Lordships' Table this crude and ill-considered Bill, the more especially as it was his impression that he had neither the wish nor the expectation that the Bill should pass a second reading; because the noble Marquess must be perfectly aware that at this period of the Session it was impossible for this measure, dealing with so large a subject and involving such important interests, to pass into law during the short remainder of the Session. It was, indeed, a most objectionable practice, and one which he strongly deprecated, to bring in Bills without either the hope or expectation of carrying them. He ventured to think that the noble Marquess would have done better if he had reduced his views into the form of a pamphlet, or if he had called a meeting of his friends and tenantry in Aberdeenshire and enunciated views which possibly might not have been unpalatable to some of his friends in that part of the country. He objected, however, to bringing in a Bill without the least intention of carrying it, because it would give rise to hopes and expectations out-of-doors the realization of which there was no possibility of fulfilling. He thought, moreover, that questions of this kind should be dealt

with on the responsibility of the Executive Government, and with a fair prospect on their part of carrying a Bill to a successful issue. With regard to the measure itself, it seemed to him to be a kind of exaggerated Irish Land Act. The most arbitrary tenant-right which had ever been introduced was milk-and-water compared with this measure. Surely the landlords of Great Britain had done nothing to their tenantry which warranted any attempt at dealing with them in the manner in which they would be if this Bill passed into law. He was not going to be drawn into a discussion on the subject of tenant-right, nor did he think this a fitting occasion on which to enter on a discussion of that matter, further than it was affected by the Bill now under consideration. The noble Marquess himself stated that this measure was not required for the vast majority of the landed estates in this country, but to certain lands held by corporations. Why, then, if it was not required for landed property generally should it be forced upon the attention of Parliament at all? The noble Marquess said that, from some information he had received from Scotland, it was required for the purpose of enabling the tenants to obtain compensation from certain bodies of trustees. He was not prepared to admit that it was; but if so, surely the better course for the noble Marquess to have pursued would have been to introduce some Bill to relieve those particular tenants from the disabilities under which he conceived them to labour, and to assimilate their condition to that of other tenants. The noble Marquess told them that the Bill did not interfere with customs. Why, it interfered with every custom that existed in the country from Land's End to John o' Groat's. The noble Marquess also said it did not interfere with the rights of property and the freedom of contract. That was the very thing it did interfere with, for if it did not the Bill would not be worth the paper on which it was printed. It not only dealt with property and freedom of contract, but, in point of fact, it put an end altogether to freedom of contract. The noble Marquess admitted that the 4th clause was obscure, and that it would require the insertion of words to make it clearer. He (the Duke of Richmond) did not think that any words he might put in would make it sufficiently clear to prevent its being considered an inter-

*The Duke of Richmond*

ference with the rights of property. What did the noble Marquess do? He handed over the whole property of the country to the tenants, and took it entirely out of the hands of the landowners; or rather, he might say, he took it out of the hands of the landowners and placed it in the hands of the Inclosure Commissioners. Now, one of the Inclosure Commissioners he knew to be an excellent practical farmer, and against the other two he knew nothing; but, at the same time, he objected to hand over his property to these three gentlemen, because—without any undue vanity on his part—he thought that he himself was equally as competent to manage it as any three gentlemen who could be selected by the noble Marquess. He should also like to know whether the noble Marquess had consulted the Inclosure Commissioners, and whether they were prepared, in addition to their present duties and in consideration of their present salaries, to undertake the management of the whole of the property of Great Britain. Just look what it would amount to. Suppose a tenant in Caithness considered himself aggrieved, and wished to make a permanent or temporary improvement, he must come to London, or write to the Commissioners to send down a competent person to inspect his farm, to see whether he was not justified in making such an improvement. The consequence would be that the Inclosure Commissioners would have the whole of their time occupied in inspecting farms and deciding whether all the fanciful improvements projected by tenants ought or ought not to be carried out. Surely if the noble Marquess had looked into the subject with the least consideration, he could never have produced a measure of this extraordinary character. He must know that, according to the customs of the country, various matters affecting agriculture varied and differed as much as anything possibly could. The noble Marquess said, that the Bill would not affect free contracts. According to him it would not affect tenants holding land under contracts of tenancy, but it would affect tenants from year to year, or holding under ordinary leases, and yet the end of the 4th clause contained a provision that the Act—

“should have full operation in relation to every improvement to which the Act applied, notwithstanding any express stipulation or other matter to the contrary contained in or forming

part of a contract of tenancy taking effect after the commencement of the Act."

That was nothing more nor less than superseding all contracts which took place after the passing of the Act, and he defied the noble Marquess to put any other construction upon the Bill; and he said that it did interfere, and interfere most seriously, with freedom of contract. His (the Duke of Richmond's) property was let on 19 years' leases, and agreements between landlord and tenant specified the manner of culture, and various other matters connected with the tenure of the land. Under this Bill not one of these contracts between him and his tenants would be binding, but the tenant, if he were so minded, might call in the Inclosure Commissioners. The landlord, under this Bill, was the last man thought of. The tenant might suddenly make up his mind that he wanted to execute on his holding what was called a "permanent improvement;" the landlord might not give his assent, but the improvement would go on, unless the Inclosure Commissioners expressly objected. Next year the tenant—who might only be a tenant from year to year—might go out, and the landlord, having paid for those buildings, might find his farm overbuilt, and have considerable difficulty in getting another tenant, because there was far too large a steading on the farm. Surely this was an intolerable interference with property. If the arbitration was not to be invalidated by the non-observance of any technical rules, it might be decided practically by hearsay evidence; and that a distress warrant for the amount of the award should be issued in seven days was a preposterous proposition. Altogether, the Bill proposed a most novel mode of dealing with the subject. If the Commissioners might, from time to time, alter the rules of procedure, they would practically have the power of drawing up a code; and if what was prescribed by them was to have the same force as if prescribed by the Act, the Commissioners would virtually be entrusted with legislative powers. The result might be that the owner of a farm of 400 acres, on returning to it after an absence of 19 years, might find it divided into 400 farms of one acre, or so changed that he could not recognize it. Their Lordships took great interest in the management of their property; would they continue to do so if it were

tender mercies of the Inclosure Commissioners? They could not lay down any distinct line as to temporary improvements in the manner prescribed by the Bill; for manure that might remain on some land for seven years might be exhausted on other land in one or two years.

THE MARQUESS OF HUNTLY explained that the Bill did not lay down a rule, but fixed a maximum.

THE DUKE OF RICHMOND: Well, it classed among temporary improvements what might be no improvement at all; for a man might have a horse in his stable, and yet it might contribute nothing to the land, and yet this was to be considered a temporary improvement. The Bill was so extraordinary, on the whole, that he should not be justified if he failed to give it his decided opposition.

THE EARL OF AIRLIE, who had given Notice of his intention to move that the Bill be read a second time that day three months, said, his noble Friend the Lord President had left him little to say, he had discussed it so thoroughly. No measure so sweeping had ever been passed, if ever one so sweeping had been introduced. It made important changes in existing tenancies, but still more important in future tenancies. The Bill would take the management of every estate in the country out of the hands of the owner who had a permanent interest in it, and place it partly in the hands of the tenant who had a temporary interest, and partly in the hands of the Inclosure Commissioners who had no interest at all. It would establish compulsory tenant-right throughout the country, and do away with contracts—for while under the Irish Act a tenant who occupied a farm at more than £50 a-year might contract himself out of the Act, under this Bill a tenant could not do so, whether he paid £500 or £5,000. The permanent improvements which a tenant might make if he could only obtain the assent of the Commissioners were also a serious matter. A landowner might have acquired farms from different proprietors, and arrangements that might be very good in themselves for a group of farms might be very different when considered in reference to each farm singly. In such a case the landlord might desire to expend only as large an amount as would be necessary in order to put the farm buildings in a proper state up to the

end of the lease. Such an arrangement would, however, be impossible under the Bill of his noble Friend; because every one of the tenants might, with the assent of the Inclosure Commissioners, put up buildings in spite of the landowners, and render it impossible for the landowners to carry out their own plans, or to carry out their improvements gradually. Last year a Bill on this subject was introduced in the House of Commons by Mr. Howard, the then Member for Bedford, and Mr. Read, now a Member of Her Majesty's Government. He did not mean to say that these gentlemen were not honestly desirous to do justice to the landlords, but still they, not unnaturally, looked at the matter from the tenants' point of view. Notwithstanding this fact, there was the essential difference between their Bill and that of the noble Marquess that they did not propose to allow the tenants compensation for permanent improvements, except in the shape of drainage and the improvement of water-courses, unless before making them they obtained the written consent of their landlords. Both in the Irish Land Act, and in the Bill to which he had just alluded, it was provided further that improvements for which compensation was to be given should be such as would add to the letting value of the land. There was no such proposal in the present Bill. The Bill of Mr. Howard proposed that the assent of the landlord should be necessary before a tenant should have power to claim compensation for the reclamation of waste land; but in the Bill before the House there was no definition either of reclamation or of waste land. There might be circumstances in which it would be very profitable to reclaim land and grow corn upon it when corn was at a high price, but it would not benefit the landlord if these crops were produced by overstimulating the land to such an extent that at the expiry of the lease it would come back into the hands of the landlord in a more or less exhausted state. There were other things, such as drainage, which would add to the value of the land; but tenants ought not to possess unlimited power to make and claim compensation for drainage works because cases might arise—close to towns, for instance, where it would be unwise to spend large sums of money in draining land for agricultural uses which might

speedily be required for building purposes. Then there were set forth in the Bill temporary improvements which tenants might make, and, with the assent of the Inclosure Commissioners, compel their landlords to pay for; but this was a question very difficult to deal with, and one upon which there ought to be the clearest possible definitions. The question of compensation for unexhausted manures, again, was one of very great difficulty, and one which had engaged the attention of very high authorities. He admitted that the present state of things was not satisfactory to tenants in all cases—it sometimes worked them great hardship. On the other hand was the great difficulty of ascertaining the value of unexhausted manures—the value of what was left in the ground—the receipts and expenditure of the tenants would not necessarily show it. In the year 1851, Mr. Caird, at the request of the proprietors of *The Times*, made a tour through the various counties of England in order to report upon the best course to be adopted with regard to the holding of land. Mr. Caird came to his work with a prepossession in favour of tenant right, but, as he proceeded, he became more and more impressed with the disadvantage of the custom, and in the end gave it up altogether. Mr. Caird stated that the system that the noble Marquess now advocated encouraged obsolete methods of husbandry, that it was, in many cases, injurious to the incoming tenant, by forcing him to pay large sums for so-called improvements in which he had had no voice, and thereby absorbing a large amount of his capital; that in many parts of the country not only the landlords, but the tenants disliked it, and that in parts of the country where tenant-right did prevail the husbandry was not only not better, but was not so good as it was in districts where it did not exist. That, however, was the custom which his noble Friend wished to see made compulsory throughout the country. It might, however, be said that it was a long time since that inquiry was made. Well, the subject had been recently introduced and discussed in the House of Commons, and every hon. Member, with one exception, who took part in the debate protested in the strongest terms against the imposition of any such custom by

compulsion, and also against any interference with freedom of contract between landlord and tenant. He was not insensible to the fact that agriculture in England was not all that it ought to be—there was room for improvement; but if they looked at the position of England as a producer of agricultural wealth, and compared it with the other countries of the world, no one could deny that with the single exception of Belgium no country could compare with England as to its production per acre; and Belgium was not a case in point as regarded the present question, as in that country, while there were many small holdings and many short leases, the tenant-right system—that was to say, the liability to make compensation for improvements—did not prevail. The subject under discussion was important, and might well, he thought, be remitted to the consideration of a strongly-constituted Royal Commission, which during the Recess could obtain much useful and valuable information. No case had been made out in favour of the Bill; and as his (the Earl of Airlie's) belief was that such legislation would introduce nothing but mischief and confusion between landlord and tenant, he begged to move the Amendment of which he had given Notice.

An Amendment moved to leave out ("now,") and insert ("this day three months.")—(*The Earl of Airlie*.)

On Question, That ("now") stand part of the Motion? *Resolved* in the *Negative*; and Bill to be read 2<sup>d</sup> *this day three months*.

House adjourned at half past Eight o'clock, 'till To-morrow, half past Ten o'clock.

## HOUSE OF COMMONS,

*Thursday, 16th July, 1874.*

MINUTES.] — PUBLIC BILLS — *Resolution in Committee*—Land Titles and Transfer [Salaries, &c.]\*

*First Reading*—Local Government Board (Ireland) Provisional Order Confirmation\* [207]; Foyle College\* [208]; Local Government Board's Provisional Orders Confirmation (No. 6)\* [209]; Police Force Expenses\* [211].

*Second Reading*—Aldorney Harbour\* [205].

*Committee*—Supreme Court of Judicature Act (1873) Amendment\* [179]—R.P.; Valuation (Ireland) Act Amendment\* [134]—R.P.

*Committee—Report*—Public Health (Ireland)\* [161-210]; Local Government Board's Provisional Orders Confirmation (No. 4)\* [194]; International Copyright\* [197]; Elementary Education Provisional Order Confirmation (No. 2)\* [192]; Attorneys and Solicitors\* [75]; Legal Practitioners\* [24].

*Considered as amended*—Conveyancing and Land Transfer (Scotland)\* [156]; Infanticide\* [200].

*Third Reading*—Sanitary Laws Amendment\* [202]; Powers Law Amendment\* [177]; Mersey Channels\* [199], and *passed*.

*Withdrawn*—Women's Disabilities Removal\* [14]; Parliamentary Elections (Returning Officers) (*re-comm.*)\* [204]; Bankers Books Evidence\* [166]; Spirituous Liquors (Scotland) (*re-comm.*)\* [185]; Public Worship Facilities\* [27]; Municipal Franchise (Ireland) (No. 2)\* [135].

## PUBLIC WORSHIP REGULATION BILL. OBSERVATIONS.

MR. GLADSTONE: Sir, I have to ask the indulgence of the House while I make a short statement with reference to the Resolutions of which I have given Notice on the Public Worship Regulation Bill, and I think it may be for the convenience of the House that I should now make it. Since I gave Notice of those Resolutions the House has passed the Second Reading of that measure. Various important Notices of a hostile character have been given; but, notwithstanding those Notices, and, indeed, with the acquiescence and concurrence of the Members who had given them, the House has thought fit to read the Bill a second time without a Division. I cannot in fairness do otherwise than accept that decision as an expression of the desire of the House that we should proceed to the consideration of the Bill in Committee without raising any of those broad questions relating to the grounds and proper limits of legislation on ecclesiastical subjects which undoubtedly are raised in the Resolutions of which I have given Notice. I have also to consider that Notice has been given of important Amendments, which would, in my view, tend greatly to the improvement of this Bill, but which are of a character such as I think need not arouse any angry controversy. On the contrary, it is possible that they will meet with general favour from the House. I think that the discussion of those Amendments would be seriously prejudiced if we were to en-

gago in a hostile controversy, before going into Committee, with reference to Resolutions which would be interpreted, and have already been interpreted, as opposed to legislation generally on the subject of the Bill. Under these circumstances, as my desire is that the provisions of the Bill should receive the very best form of which they are capable, I do not intend to move the Resolutions of which I have given Notice.

Afterwards—

Mr. HORSMAN said, he wished to put a Question to the right hon. Gentleman the Prime Minister upon the subject of the Public Worship Regulation Bill, of which he had given him private Notice. The right hon. Gentleman had said yesterday that it was highly desirable the Bill should pass into Law during the present Session; and therefore he wished to ask, whether the right hon. Gentleman had made any arrangements on the part of the Government with the learned Recorder so as to give assistance and facilities for the passing of the Bill, as to which there were nearly 100 Amendments on the Paper? He wished also to ask—if the right hon. Gentleman had sufficiently considered the matter—whether the Bill would after to-morrow be proceeded with early and continuously? It would be very convenient to many hon. Members to know what course it was intended to take, as it would enable them to make their arrangements accordingly.

Mr. DISRAELI: Sir, the right hon. Gentleman must feel that, in attempting to arrange the course of Public Business, the circumstances with which we have to deal vary, and vary very quickly. We have already had a very important announcement made to the House to-night which must considerably affect my answer. I have every desire to give the learned Recorder all possible opportunities of proceeding with the Bill, but of course that must be considered relatively to other matters. Probably to-morrow at 7 o'clock, I shall be able to answer the right hon. Gentleman more exactly.

#### WOMEN'S DISABILITIES REMOVAL BILL—WITHDRAWAL OF BILL

Mr. FORSYTH said, he had to move that the Order of the day for the Second Reading of the Women's Disabilities

Removal Bill should be discharged. He wished to say that he intended, at the earliest possible period next Session, to bring in a Bill to the same effect.

Order discharged: Bill *withdrawn*.

#### CHELSEA BRIDGE AND BATTERSEA PARK.—QUESTION.

SIR CHARLES W. DILKE asked the Chief Commissioner of Works, Whether the subject of freeing from toll the Government bridge leading to Battersea Park is under the consideration of the Office of Works, either as standing by itself or in connection with any scheme of the Metropolitan Board for freeing other metropolitan bridges; and, whether the promise of the Office of Works to plant the vacant space within Battersea Park, on the west side of that park, is to be carried out?

LORD HENRY LENNOX: Sir, my attention has been called by my hon. Friend the Member for Mid-Surrey (Sir Henry Peck) to the desirability of freeing Chelsea Bridge from toll. The question is a difficult one, but I hope the difficulty may not prove insuperable. I have had no communication on this subject from the Metropolitan Board of Works; but I shall be happy to consider any proposal which my hon. and gallant Friend the Chairman (Sir James Hogg) may feel himself in a position to make on this subject. With regard to the second part of the Question, if the hon. Baronet turns to the Estimates of this year he will find that I have caused provision to be made in the Vote for Royal Parks, &c., for the present year for forming and planting the empty space of ground on the west boundary of Battersea Park between the gymnasium and the West Lodge. The work is in hand as far as the formation of the ground is concerned, and the planting will be commenced in the autumn.

#### JUDGES OF THE SUPREME COURTS SCOTLAND.—SALARIES.—QUESTION.

Mr. LYON PLAYFAIR asked the Lord Advocate, Whether, as the Court of Judicature (Ireland) Bill proposes to increase the salaries of certain Irish Judges, he proposes to introduce a Bill to carry out the unanimous recommendation of the Royal Commission on the Courts of Law in Scotland, that the



salaries of the Judges of the Supreme Courts in Scotland should be increased?

**THE LORD ADVOCATE:** It is intended to give effect to many of the recommendations of the Royal Commission next Session, and the matter of the increase in the salaries of the Judges of the Supreme Courts will be submitted for consideration.

#### CONTROVERTED ELECTIONS—BOSTON ELECTION PETITION.—QUESTION.

**SIR EDWARD WATKIN** asked Mr. Attorney General, Whether his attention has been called to the proceedings at Boston (in the matter of the Petition against the return of the then sitting Members) and to the questions submitted to the Court of Common Pleas by Mr. Justice Grove, and to the decision thereon; whether it is the fact that 877 Voters were reported as having received gifts of coal without any legal proof to that effect as respects the alleged recipients, and that 353 Voters were struck off, so as to seat the Petitioner, John Wingfield Malcolm, esquire, without hearing such Voters, or ascertaining for whom such 353 persons actually voted; and whether, thereby it becomes probable that the Petitioner has been seated by the process of striking off votes given for himself?

**THE ATTORNEY GENERAL:** In answer, Sir, to the first Question of the hon. Member, I have to state that my attention has been called to the proceedings at Boston, in the matter of the Petition against the return of the then sitting Members, and to the questions submitted to the Court of Common Pleas by Mr. Justice Grove, and to the decision thereon. The second Question of the hon. Member, in the terms in which it is expressed, involves a very grave charge against the learned Judge—namely, that of having arrived at a decision in the absence of any legal evidence to support it. If it is the intention of the hon. Member to suggest such a charge, which from what he has just said I conclude it is not, I should have ventured to submit for the consideration of the House whether it is a convenient practice for the Attorney General to be called upon to express an opinion upon the propriety of a Judge's decision, in reply to a Question put by an hon. Member, and at a time when the usage of the House would

not permit of the Attorney General entering into any sufficient explanation of the conclusions at which he had arrived; nor of any other hon. Members, whose opinions are of at least equal value with those of the Attorney General, and who may differ from his conclusions, entering into any discussion upon the subject. The inconvenience of such a practice would be, perhaps, more particularly apparent in a case like the present, in which, by law, the decision of the learned Judge is final, whatever doubts the Law Officers may entertain as to its correctness. I by no means suggest that such questions should not, under any circumstances, be raised; but that, if raised, it should be at a time and in a manner which would admit of their being fairly considered. I am disposed, however, to think, from the terms in which the hon. Member's third Question is expressed, that he is under a misapprehension as to the actual state of the law as it affects the votes given in favour of any candidate who has been proved guilty, by himself or his agents, of bribery, treating, or undue influence. By the 25th section of the Ballot Act it is provided that in such a case there shall be struck off, from the number of votes appearing to have been given to such candidate, one vote for every person who voted at such election and is proved to have been so bribed, treated, or unduly influenced. At the inquiry before Mr. Justice Grove it was established to his satisfaction that upwards of 850 voters had been bribed by the agents of Mr. Parry, and, that being so, all that remained to be done was to ascertain that a number exceeding the majority of Mr. Parry over the Petitioner had voted at the election; it was quite immaterial for whom they had voted. The provision to which I have referred was inserted in the Ballot Act for the express purpose of obviating the necessity of ascertaining how the bribed voters had voted.

#### IRELAND—ISLAND OF ACHIL.

##### QUESTION.

**MR. SERJEANT SHERLOCK** asked the Chief Secretary for Ireland, Whether his attention has been called to a letter in this day's "Times" from the Reverend T. Stanley Treanor, Rector of Achil, in reference to the destitution in that dis-

trict, in which the Reverend gentleman writes :—

" Since Christmas last, the people—I speak of the Protestant small farmers especially—have lived on Indian meal purchased on credit, and at last in many cases even credit is exhausted. Debt, starvation, or the workhouse threatens us, and until the new potatoes come in, I dread a pressure approaching in severity that of 1848 ;"

and, whether the Government are prepared to extend that practical and generous sympathy, by which the effects of the famine were to a great extent averted in India, to the poor of this remote district in Ireland ?

SIR MICHAEL HICKS - BEACH, in reply, said, that his attention had been called to the letter to which the Question of the hon. and learned Member referred ; and although he had not had time to make full inquiry into the subject, yet, from the best information which he had been able to obtain, he might say that there was no very exceptional state of distress at present in the Island of Achil. It was not unfrequent in the West of Ireland for persons in the condition of life of those referred to in this letter to subsist between the two potato crops upon Indian meal purchased on credit. If, however, there were any exceptional state of distress, there was ample provision in the Poor Law to meet it, because there was in the Island a resident Relieving Officer, whose duty it would be to provide food, lodging, and medical relief in cases where those necessities might seem to be required. Therefore, the case did not seem to him to be parallel with that of the Indian famine, or to require any exceptional action on the part of the Government.

#### FATAL FALL FROM A BALLOON.

##### QUESTION.

MR. W. GORDON asked the Secretary of State for the Home Department, Whether his attention has been directed to the accident which befell the so called Flying Man in his attempt to descend from a balloon in the parish of Chelsea on Thursday last, and particularly as to the circumstances which attended the catastrophe ; and, whether measures can not be taken to prevent the recurrence of such exhibitions ?

MR. ASSHETON CROSS, in reply, said, he could not give any further Answer to this question than he had given

the other day ; for, though the coroner's inquiry had terminated, no Report had yet been made to him of the result of the inquiry. In his opinion, however, he should state that matters of that kind should be brought under the notice of the magistrates who licensed places where exhibitions of this kind took place habitually ; and if such exhibitions occurred there constantly he thought it should be a question with the magistrates whether they should continue to licence them.

#### PEACE PRESERVATION (IRELAND) ACTS 1856 AND 1870.—QUESTION.

MR. BIGGAR asked the Chief Secretary for Ireland, If he would explain to the House for what reason the county of Cavan has not yet been relieved from proclamation under the Peace Preservation (Ireland) Acts 1856 and 1870, notwithstanding the fact that for the past three years the judges attending the assizes have congratulated the grand jury on the immunity enjoyed by the county from agrarian outrage or crimes ascribable to secret societies ?

SIR MICHAEL HICKS-BEACH, in reply, said, a portion of the county of Cavan bordering on County Meath was specially proclaimed in 1870 on account of its disturbed state. He would make inquiries and see whether the circumstances of the case had altered, and whether it was possible to revoke that special proclamation. But the rest of the county was proclaimed, in the ordinary sense of the term, in common with a great part of Ireland, and he was bound to say he did not think it wise to revoke that proclamation. The county was one of those border counties in which there was a great rivalry of spirit between the two great factions into which Ireland was divided. One of the effects of the ordinary proclamation was to make it necessary to obtain licences in order to have or carry arms, and so long as party feeling ran as high as at present, very mischievous consequences might ensue if that power were not retained in the hands of the Government. He might also state that within the last few days only, the Roman Catholic Bishop of Cavan had called the attention of his flock to the fact of the great spread of secret societies in the county, which he condemned,

*Mr. Serjeant Sherlock*

# ITY OF WASHINGTON—THE LATE EXED-CLAIMS COMMISSION.

## QUESTION.

**HENRY DRUMMOND WOLFF**  
Mr. Chancellor of the Exchequer,  
er Her Majesty's Government  
me to the determination to follow  
cedent established by the Act 18  
ic. c. 77, and are about to bring  
ll enabling the Treasury to dis-  
the sum payable to Her Ma-  
Government, by the United  
under the final award of the late  
Claims Commission?

**CHANCELLOR OF THE EXCHE-**  
in reply, said, that it was not  
red necessary to pass an Act on  
subject. The greater portion of  
laims would have to be paid in  
a—in Washington—between the  
s of October and December, and  
s were not satisfied by December  
be subsequently paid in this  
f.

# NATION ACTS—THE BANBURY D OF GUARDIANS.—QUESTION.

**D RANDOLPH CHURCHILL**  
the President of the Local Go-  
ent Board, If he is aware that the  
ry Board of Guardians passed a  
tion, on the 6th day of November,  
this Board do not in future direct  
tions against those persons who  
to have their children vaccinated;"  
f it is true that an outbreak of  
pox took place lately in that town?

**SCLATER-BOOTH**, in reply,  
t was a fact that in November last  
anbury Board of Guardians passed  
resolution as that referred to in  
question of the noble Lord. The  
t was brought under the notice of  
cal Government Board, who im-  
ely pointed out to the Guardians  
e resolution could have no legal  
r effect, because it was in defiance  
provisions of the law. It was  
ue that in the spring of this year  
break of small-pox occurred in  
anbury district: and the Local  
ment Board thereupon called the  
on of the Guardians to the serious  
sibility which they would incur  
tinuing to neglect putting in force  
w upon the subject and providing  
es for vaccination and re-vaccina-

tion. It did not appear that the Guar-  
dians had rescinded their resolution,  
and the question arose what course  
should be pursued in order to enforce  
obedience to the law. There was some  
difficulty in the matter in consequence  
a doubt as to the proper course to pursue.  
The Law Officers of the Crown had  
advised the Local Government Board  
that the vaccination officers were bound  
to carry out the requirements of the law,  
even in the face of such a resolution of  
their Guardians as that referred to.  
This seemed to be a position in which  
the vaccination officers ought not to be  
placed, and a short Bill had been pre-  
pared and submitted to the other House  
of Parliament, which would set all  
doubts aside for the future. He had no  
doubt that when that Bill came down to  
that House it would be speedily passed  
into law, and the difficulty would thus  
be got over.

## FRENCH SUGAR REFINERIES.

### QUESTION.

**MR. RITCHIE** asked the Under  
Secretary of State for Foreign Affairs,  
If he will state the date of the last com-  
munication received from the French  
Government relating to the introduction  
of the system of refining in bond into  
French sugar refineries; and, whether,  
seeing the great importance to English  
sugar refiners of the introduction of this  
system, Her Majesty's Government will  
continue to urge its speedy adoption on  
the French Government?

**MR. BOURKE**: Sir, this matter has  
formed the subject of discussions in the  
Mixed Commission at Paris, and a state-  
ment was made there by the representa-  
tive of the French Government on the  
10th instant, to the effect that a draft  
of Regulations had been prepared by  
the Ministry of Finance, under which it  
is proposed that the system of refining  
in bond shall be applied to French sugar  
refiners. This draft of Regulations  
will be submitted to a Committee to be  
appointed by the Minister of Finance  
and afterwards to the Council of State.  
Nothing further can be done until these  
bodies have approved the Regulations,  
which have not yet been communicated  
to Her Majesty's Government.

# REPORTS OF THE INSPECTORS OF MINES.—QUESTION.

MR. MACDONALD asked the Under Secretary of State for the Home Department, If the Reports of the Inspectors of Mines will be laid upon the Table before the close of the Session; and, whether it is his intention to exact from the Inspectors their Reports at an earlier period of the Session in the future?

SIR HENRY SELWIN-IBBETSON, in reply, said, that at the beginning of the Session a communication from the Home Office was forwarded to the Inspectors of Mines, requesting them to send in their Returns. They did so before the end of April, and the subsequent delay had arisen from the printing, and the sending of the proofs to the Inspectors for correction. An application had been recently made for the corrected proofs, and he hoped to be able to lay the Returns on the Table before the end of the Session. For the future it was intended to require the production of these Returns at an earlier period of the year.

# IRELAND—ORANGE DEMONSTRATIONS.—QUESTION.

MR. MITCHELL HENRY asked the Chief Secretary for Ireland, Whether he has received a Letter from the parish priest of Hollywood, County Down, complaining of the erection of arches decorated with Orange emblems over the streets leading to his chapel, so that the Roman Catholic inhabitants were obliged to pass under them when going to mass; whether it is not a fact that this year, as also on other occasions, divine service was discontinued in consequence; whether he has received a similar communication from Portrush, stating that one of the arches was inscribed with the words "No Popery;" and, whether the Government will institute an inquiry into the matter, and, in case persons holding offices of trust and favour under the Crown shall be found to be implicated in the perpetuation of these insulting customs, the Government will recommend that such persons shall be visited with the marked censure of the Crown?

SIR MICHAEL HICKS-BEACH, in reply, said, that as there was no allusion in the Question, of which Notice had been given, to anything which

occurred at Portrush, he could give the hon. Member no information on the subject. With regard to Hollywood, it was a fact that this year, as well as last year, the Irish Government did receive a remonstrance from the parish priest of the village, objecting to the erection of arches over the streets. Last year the remonstrance was, in a prophetic spirit, addressed to the Duke of Abercorn. The reply was that the Government saw no reason to interfere, and the same Answer would be given this year. Since the repeal of the Party Processions Act the Irish Government could not act in a matter of this kind, nor could the magistrates or police, except on the sworn information that there was likely to be a breach of the peace. He believed Divine Service had been interrupted at Hollywood; but he was informed it would have been perfectly possible for the Roman Catholic inhabitants to have gone to their chapel by another route. In his opinion, it was greatly to be regretted that so much importance should be attached in Ireland to the colour of these emblems. He could remember the time when on the occasion of an election for a borough in his own county the streets were covered alternately with the colours of the two political parties, and he never heard of anybody objecting to walk under the flags. He should be glad if a little of the English indifference on this subject could be extended to Ireland.

MR. MITCHELL HENRY gave Notice that early next Session he would bring under the notice of the House some facts which would have the effect of enlightening the right hon. Baronet's mind as to the meaning of these emblems, which were very different from ordinary party emblems.

# DOMINION OF CANADA—THE RECIPROCITY TREATY.—QUESTION.

MR. RIPLEY asked the Under Secretary of State for Foreign Affairs, Whether negotiations have recently been conducted between the American Government, Sir Edw. Thornton, as representing this Country, and a representative of the Canadian Government, for a renewal of the reciprocity Treaty between the United States of America and the Dominion of Canada; whether such Treaty has been submitted to the Ame-

rican Senate; and, whether a Copy of the proposed Treaty may be at once laid upon the Table of the House?

**MR. BOURKE:** Sir, negotiations have been undertaken at the desire of the Canadian Government by Sir Edward Thornton and Mr. Brown, a Member of the Senate of the Dominion, for the object to which the hon. Member refers. A draft Treaty was submitted by the Government of the United States to the Senate shortly before the close of the last Session of Congress, and its consideration has been postponed until the next Session. Papers on the subject will shortly be laid before the House, with the draft Treaty.

**PALACE OF WESTMINSTER—ADMISSION OF VISITORS.—QUESTION.**

**COLONEL BERESFORD**, who had a Notice on the Paper to ask the Secretary of State for the Home Department, If his attention has been called to the following Order—

“Metropolitan Police Office,  
“10th July, 1874.

“Police Orders.

“Parliament, Houses of.—No strangers are to be admitted to view the Palace at Westminster, unless accompanied by Peers or Members of Parliament, or unless they are provided with one of the Lord Chamberlain's orders or with an order in writing from the Usher of the Black Rod for the House of Lords, or with one in writing from the Sergeant at Arms for the House of Commons.

“E. Y. W. HENDERSON.”

and, if he would inform the House on whose authority Colonel Henderson has issued this document, which takes away a privilege enjoyed for so many years past by the public?—said, he had been requested by the right hon. Gentleman to postpone his Question until Monday next, but as he could not attend the House on Monday, he wished in a few words to offer some explanation for having put his Question on the Paper. About three weeks ago he applied to the noble Lord the First Commissioner of Works for leave for a body of men belonging to a club in Southwark to see that House and be shown over the Clock Tower. The noble Lord, with the courtesy for which he was distinguished, at once granted that leave, and a portion of the club came there and saw all they wished to see. When, however, on the following Saturday, the second batch presented themselves, they were pe-

remptorily refused to be shown anything at all. He considered the order of which he complained to be a great Breach of the Privileges of that House, and he submitted that it should be cancelled, at least so far as that portion of the Palace of Westminster was concerned.

**MR. ASSHETON CROSS** said, he was sorry his hon. and gallant Friend had brought the subject forward that evening, because before answering the Question he wished to put himself in communication with the Lord Great Chamberlain, who was out of town, and he had not yet had an opportunity of seeing him.

**CRIMINAL LAW—CONVICT LABOUR—MAT MAKING.—QUESTION.**

**COLONEL BERESFORD** asked the Secretary of State for the Home Department, How soon any relief will be afforded to the Mat Makers throughout the country, who are in a state of semi-starvation owing to the ruined state of the trade from the concentration of prison labour to a large extent upon their particular trade; if the present state of the Mat Making Department at Pentonville and Millbank is not such that the prison authorities are supplying the masters in the trade with Mats and Matting at a cost hardly more than the cost of the raw material; and, if those prisons are not now overstocked?

**MR. ASSHETON CROSS**, in reply, said, he quite agreed with his hon. and gallant Friend that it was very hard upon the mat-making trade that that particular trade had been singled out in a great number of prisons, and that so many mats should be made as practically to compete with the trade of mat-making as carried on by poor mat-makers at home. It was certainly desirable to ascertain whether some other trade could not be substituted for mat-making, and he should be glad if the Visiting Justices of gaols could see their way to some change in that respect. He was in communication with the Visiting Justices on the subject. With regard to the other part of the Question, he might state that at Millbank very few mats were made this year, because there was a considerable stock on hand at the beginning of the year. At Pentonville and Millbank steps were being taken for employing prisoners in other trades. As

to the profits made, the average cost of the raw material was 5*d.*, and the price received was from 7½*d.* to 7¾*d.*

#### CHILDREN OF BOATMEN, &c.—

##### A ROYAL COMMISSION.—QUESTION.

MR. MACDONALD asked the Secretary of State for the Home Department, If the deplorable condition of the children belonging to boatmen and others, that may be called "our floating population," has been brought under his attention, and if he intends to recommend to Her Majesty the desirability of appointing a Royal Commission to inquire into the social habits and the educational condition of that portion of the community?

MR. ASSHETON CROSS, in reply, said, that his attention had been directed to what was called "our floating population"—people employed in barges throughout the country. At the last Census, in 1871, the number of such persons was returned as 29,500, and of that number 10,576 were actually on board the barges on the day when the Census was taken. It had been found very difficult to get hold of the children belonging to those persons to send them to school. He had, however, put himself in communication with the Education Department on the matter. The London School Board were prosecuting an inquiry, and endeavouring to find some means by which the children might be reached, and therefore he thought it would be unwise to appoint a Royal Commission until the result of that inquiry was known.

#### SANITARY ACTS.—WATER SUPPLY.

##### QUESTION.

MR. WHALLEY asked the President of the Local Government Board, Whether, while awaiting further legislation in respect of sanitary improvement, he will issue official instructions pointing out the means already available by sanitary authorities for obtaining where needed a better supply of water without the necessity of a special application to Parliament?

MR. SCLATER BOOTH: Sir, I may remind the hon. Member that in the Digest of Sanitary Laws recently issued to all urban and rural authorities, their existing powers in regard to water supply

were clearly pointed out. When the Bill now passing through Parliament becomes Law the further facilities which will be thereby afforded will also be explained by Circular. Moreover, in connection with the Circular on water supply recently issued, I have caused more detailed suggestions as to the means of obtaining and storing water to be prepared, and these are now under consideration with a view to their circulation.

#### ROYAL COMMISSION ON UNSEAWORTHY SHIPS.—LEGISLATION.

##### QUESTION.

LORD FRANCIS CONYNGHAM asked the President of the Board of Trade, Whether it is the intention of the Government to legislate, this Session, on the Report of the Royal Commission on Unseaworthy Ships?

SIR CHARLES ADDERLEY, in reply, said, it would be utterly impossible for the Government to legislate this Session upon the able and full Report which had only just been made, but that Report was receiving their most serious attention.

#### PARLIAMENTARY ELECTIONS (RETURNING OFFICERS) BILL.

##### WITHDRAWAL OF BILL.

In reply to MR. MACARTNEY,

SIR HENRY JAMES said, it was not his intention to proceed further with the Bill this Session. The Bill had been reported in a shape which, he hoped, would receive at a future time the approval of the House; but the state of the Public Business rendered it impossible to carry the measure into Law this Session. Next Session, however, he would endeavour to get it passed. He would move now that the Order for re-committing the Bill be discharged.

*Order discharged: Bill withdrawn.*

#### SANITARY LAWS AMENDMENT BILL.—

(*Mr. Sclater-Booth, Mr. Clare Read.*)

[BILL 202]. THIRD READING.

*Order for Third Reading read.*

MR. RAMSAY asked whether the Bill was to extend to Scotland? The whole tenor of the measure seemed to show that it was intended exclusively for England, and he thought there should be an express exclusion of Scotland from the Bill.

*Mr. Assheton Cross*

Mr. SOLATER-BOOTH said, he would take care that the matter should be considered, if necessary, in "another place."

Queen's *Consent* signified: Bill read the third time, and *passed*.

SUPREME COURT OF JUDICATURE  
ACT (1873) AMENDMENT BILL. [*Lords.*]

[BILL 179.]

(*Mr. Attorney General.*)

COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."—(*Mr. Attorney General.*)

SIR GEORGE BOWYER, in rising to move the Amendment of which he had given Notice, said, he was not in Parliament last year, and therefore was unable to say how an Act involving such an important subject as the Appellate Jurisdiction could have passed, he would not say in haste, but at least not with that degree of consideration which the constitutional importance of the question demanded. At all events, he intended to propose that the matter should be reconsidered, and he did so on the ground that the Attorney General for Ireland last year opposed that portion of the Bill which dealt with the Appellate Jurisdiction; the Attorney General for England opposed it, the present Lord Advocate opposed it, and the right hon. Gentleman at the head of Her Majesty's Government was not then, or now, enthusiastic for the change. The right hon. Gentleman was too great a constitutional statesman not to see the import of the transfer of the Appellate Jurisdiction, and the serious consequences which might flow from it. He believed he might say that the right hon. Gentlemen who were now on the Treasury Bench and opposed the change last year, were not more favourable to it now, though circumstances compelled them to support it. The bench, the bar, and the solicitors in Scotland were opposed to the change, and the same might be said in regard to Ireland; while with regard to England, a short time ago a Petition was presented, signed by almost every gentleman in large practice at the bar of England, expressing regret at the abolition of the Appellate Jurisdiction of the House of Lords, as they considered that jurisdiction ought not to have been abolished unless a better Court could be

devised. He was prepared to show that a better Court had not been devised. This Bill provided that the Court should be called an Imperial Court of Appeal instead of Her Majesty's Court of Appeal. He could only conjecture the cause of that change of name. It was probably because in the Acts of Union with Scotland and Ireland, there were stipulations that appeals from those two countries should not come to an English Court, but to the House of Lords, which was a Court common to the Three Kingdoms. By calling it an Imperial Court, that difficulty was attempted to be got rid of; but there was not much in a name, for it could never make the new Court stand in the position of the House of Lords. That new Court was to supersede the Judicial Committee of the Privy Council. No Court of Appeal had given so much satisfaction as the Judicial Committee of the Privy Council, and he regretted it was now to be superseded by a Court composed of a miscellaneous body of Judges, who would know nothing of the different laws which prevailed in India and our Colonies. With regard to the more important subject—the Court of Appeal constituted by this Bill—he objected to the provision which made one of the two or more Divisions a Court of Appeal to the other as altogether anomalous in the English law. The First Divisional Court of Imperial Appeal was to consist of the Lord Chancellor and two other *ex officio* Judges—namely, the Lord Chief Justice of England and the Master of the Rolls in England for the first two years, and the Lord Chief Justice of the Court of Common Pleas and the Lord Chief Baron of the Exchequer in England for the next two years, and so on in rotation every succeeding two years. That would give them a shifting and sandy tribunal; whereas the Court of Ultimate Appeal in England ought to be a steady tribunal, having a jurisprudence of its own. Those *ex officio* Judges ought to be sitting in their own Courts, where they had important duties to discharge, and not be taken away to be made a Court of Appeal. It might be said that similar changes took place in the House of Lords, but it consisted of a small body of experienced Judges of high standing, and the jurisprudence of that tribunal had, on the whole, been kept remarkably steady. Lord Moncrieff, a competent authority on the sub-

ject, spoke of the great pains and labour which the House of Lords bestowed upon Scotch appeals, and said that although the law of the two countries was different, yet the people and the Judges of Scotland had great confidence in the House of Lords, and would not have the same confidence in any other Court of Appeal. By Clause 5 Her Majesty might appoint three additional Judges of the Supreme Court, but they were to be appointed, not by Letters Patent under the Great Seal—the usual practice of the Constitution—but by warrant; and those three Judges were to sit for three years only, after which three others were to be appointed for a like period. If a vacancy occurred in the Supreme Court of Appeal, the Lord Chancellor was to have power to fill it up. Such a Court would not command the confidence of the country, because it would be at the disposal of the Government of the day. He could not conceive a course which it would be more unsafe to pursue, and the matter was one which, in his opinion, was worthy of the most serious attention of the House. The tendency of the present Bill, as well as of the Bill of last year, was, he might add, to give enormous power to the Lord Chancellor with regard to making what were called “arrangements”—a power which he thought was extremely unconstitutional. In the Bill of last year, also, one of the most important provisions was that there should be only one step in appeals, and had he been in Parliament when it passed he should have opposed that principle with all the influence which he could command. It was a principle which was unknown in any country in the world, and which was altogether foreign to the Constitution of this country. If there were an intermediate Court of Appeal only the most important cases would go to the ultimate Court, and the effect would be that the Supreme Court would not have too much to do, and that it would be able to give sufficient time to the cases which came before it—the result being that those cases would be satisfactorily adjudicated, as in the instance of appeals to the House of Lords, while Judges overworked, or working at high pressure, could not get through the business before them as well as they might otherwise do. He stated, during the progress of the Bill of last year through Parlia-

ment, that he was quite sure that the result of having only one step of appeal would be to overwhelm the Supreme Court with work—an opinion which, he found, was shared by men of great experience in the legal profession. Well, the principle of having only one step of appeal had to be given up this year. There was to be no appeal except in two cases—either where the Judges were not unanimous, or where the decision of the divisional Court reversed any question of law material to the judgment of the case. The Judges, although unanimous, might yet be wrong. This provision deprived the subject of the power of appeal to the higher tribunal, and so far it was a provision which had never previously existed. With regard to the second point, if the Court decided one way, and on appeal that decision was confirmed, the subject would be deprived of any power to bring his case before the Supreme Court of Appeal for ultimate adjudication. That was neither reasonable nor constitutional, and had hitherto been altogether unknown in the law of England. The right of appeal was a right emanating from the duty of the Crown to administer justice towards a subject; and, although the second Court might agree with the first, he maintained that the subject had a right to go to the ultimate Court of Appeal, in order to ascertain whether those two Courts were right or wrong. He objected to this provision, and urged that the Court of Appeal constituted by this Amendment Act was not a satisfactory Court, and was not worthy to supersede the jurisdiction of the House of Lords. He now came to the question of abolishing that jurisdiction. Great weight ought, he thought, to be given to the connection which had existed between it and the Crown and Parliament, and it ought not, he contended, to be abolished, except on very conclusive grounds, and without substituting for it something better, because if something only equally good were offered no sufficient ground for change would have been established. The House of Lords was one of the greatest Courts of Appeal which the world had ever seen, and the most august. It had been connected with the history of the country from the earliest times; it was coeval with the monarchy, and formed a part of the privileges of Parliament taken as a col-



lective body. The House ought, therefore, to look with jealousy on any change of so ancient, so great, and so historic an institution. It might, indeed, be said that the House of Lords itself had given up its Prerogative in regard to appeals; but, even so, the House of Commons, which was a co-ordinate branch of the Legislature, was not bound to acquiesce in that decision. Every man had a right to give up what belonged to himself, but no man had a right to give up what belonged to himself and others; and the country had a right to a Court of Appeal in the House of Lords if it was a good one, or the best which could be formed under the circumstances. In considering this subject, the House of Commons must cast aside the fact of the House of Lords having given a decision upon it, and ought not to be satisfied with registering their Lordships' decree. The Lords agreed to give up their jurisdiction under circumstances which did not now exist, and when there was to be only one step of appeal. He should be told the thing had been settled, and ought not to be re-opened; but they were fortunate in having the opportunity of reconsidering their decision, and if they had made a mistake it would be a greater mistake to persevere in it; they ought rather to be thankful of the opportunity of correcting it. It was determined that the House of Lords should no longer be the Supreme Court of Appeal; because, as there was to be only one, it was considered the mass of business would be so great they would not have the strength to do it. This was no longer the case, for under the name of a rehearing there was to be a second step of appeal, so that the circumstances were totally changed, and no one could say the Lords would be unequal to dealing with the appeals. It was said the House of Lords sat only while Parliament was sitting; but that was six months of the year, and the judicial year was eight months, so that it was only a question of two months. Nor was there any reason why the House of Lords should not continue to sit for judicial purposes after Parliament was up. On that point, he would refer to the authority of Lord Chief Justice Hale, who, in his *Jurisdiction of the House of Lords*, said, there was nothing unconstitutional in that House sitting for the transaction of ju-

dicial business when Parliament was not sitting, and there were precedents which fully supported this view. It had been established that an impeachment did not abate by Prorogation or Dissolution. This Session four or five ex-Chancellors had been sitting regularly from day to day, and they had been aided by a Scotch Judge recently deceased. These Judges constituted such a Court as might be envied by any country in the world. There was no difficulty in strengthening the House of Lords as much as might be necessary. He regretted that the proposal to introduce life Peers broke down; but the House of Lords had the power of calling in the assistance of the Judges, and Sir Launcelot Shadwell and others had sat as Lord Speaker of the House without having been made Peers. There was no reason at all why assistants should not be associated with the Lords in the hearing of appeals; and by adopting this expedient there would be no difficulty in giving the Lords from time to time whatever strength they required. If the House of Lords required strengthening in its judicial capacity it would be easy to supply the additional strength. But generally there was, as at present, a sufficient number of Law Lords for the discharge of the judicial duties. There was also this to be taken into account, that the number of appeals to the House of Lords if this Bill were passed—supposing that House to continue to exercise its judicial functions—would be less than it had been hitherto, because the greater part of the appeals would be disposed of by the First Court of Appeal. Still, we should have a great independent constitutional Court for ultimate appeal in important cases instead of this mushroom Court instituted in defiance of constitutional principles, and the principles on which Courts of Appeal ought to be constructed. He called upon the Government, as a Conservative Government, to consider this constitutional question. A more revolutionary proposal than that of the abolition of the Appellate Jurisdiction of the House of Lords had never been brought before Parliament, and it was surprising to find it supported by a party calling itself Conservative. He knew the opinion of the Attorney General was the same as his. [The ATTORNEY GENERAL dissented.] The hon. and learned Gentleman shook his head, but he knew

it was so. The Attorney General for Ireland was of the same opinion. The judicial character of the House of Lords was interwoven with its history, was a necessary part of its constitution, and was the very spirit of its existence. By taking away that character a great wound would be inflicted upon it, and a step would be taken that would lead to the downfall of the House. He had heard it argued that the Court of Appeal in the House of Lords was not the House of Lords, but merely a council of Law Lords. That was no argument against the authority of the House, for the appeals were decided by order of the House. The House deferred to the opinion of those who were best qualified among its Members. But that did not derogate from the authority of the House as a Supreme Court. He would appeal to the Prime Minister to consider what the effect of this measure must be from a constitutional point of view. The right hon. Gentleman appeared to have betaken himself to the tranquillity of slumber. [Mr. DISRAELI dissented.] Well, he was glad that the right hon. Gentleman had heard him, and he was sure he would give the question his best consideration. Was the jurisdiction of the House of Lords as a Court of Final Appeal to be abolished in favour of this new mushroom Court, which had nothing to recommend it but its novelty, having no history, no dignity, and no status in the country; or was it to remain with the House of Lords, where it had been from the earliest times, and which had always proved satisfactory to the country and to the bar? The hon. and learned Baronet concluded by moving his Resolution.

#### Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "as it is admitted that the House of Lords is preferred by Ireland and Scotland as their final court of appeal to any other that has been proposed, and as a satisfactory court of appeal has not yet been established nor proposed for England, it will be expedient, instead of proceeding to create a new court for all the three kingdoms, that the provisions of the Supreme Court of Judicature Act of last Session which prohibit appeal to the House of Lords be repealed, and that time be thereby allowed for the adoption of such improvements in the constitution and practices of the House of Lords in the discharge of its judicial functions as may remove the objections which have been taken to it as a court of judicature;"—(Sir George Bowyer.)

—instad thereof.

*Sir George Bowyer*

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. CHARLEY said, that considering the position which he took up last year, it would be ungenerous if he left the hon. and learned Baronet (Sir George Bowyer) to fight this question alone. If he erred in supporting the Motion of the hon. and learned Baronet, he erred with all the Conservative lawyers who spoke on this question last year. On the broad ground taken by the hon. and learned Member for Frome (Mr. Lopes), whom he regarded as a Constitutional authority, he contended that to abolish the Appellate Jurisdiction of the House of Lords was unconstitutional. That High Court in the discharge of its duty claimed the support and confidence of the people of this country. He respectfully asked Her Majesty's Government to reconsider this subject. Of all the arguments that had been advanced in favour of the abolition of the Appellate Jurisdiction of the House of Lords, he thought the weakest was that the House of Lords had surrendered its jurisdiction. The hon. and learned Baronet had justly condemned that argument. He entirely endorsed what had been said last year by the Attorney General for Ireland, that this jurisdiction was—

"a trust—a duty cast upon it by the Constitution, and the will of the people of England through that Constitution. That House had no right to abandon a sacred trust and a duty." [3 *Hansard*, ccxvi. 892.]

Of the House of Lords the following words had been used with great truth:—*Si antiquitatem spectes est vetustissima, si dignitatem est honoratissima, si jurisdictionem est capacissima.* He would say to the hon. and learned Baronet that this question could be better raised upon the 10th clause of the Bill than upon going into Committee. The best course, therefore, for the hon. and learned Baronet to pursue would be to move the rejection of the 10th clause, which directly raised this question. This Bill repealed the 20th section of the Judicature Act of last Session, the effect of which was to do away with the Appellate Jurisdiction of the House of Lords, and if a portion of the 9th, the 10th, and the 22nd sections were omitted, the result would be that the Appellate

Jurisdiction of the House of Lords would remain.

MR. OSBORNE MORGAN said, the real answer to the hon. and learned Baronet's Resolution was that it came too late. The House discussed this question very fully twelve months ago, and by a very large majority the House came to the conclusion that the Appellate Jurisdiction of the House of Lords ought to be abolished. The conclusion, he believed, was arrived at upon the ground that there were certain inherent defects in the constitution of the House of Lords which no legislation could remedy and which made that House an unsatisfactory tribunal for the hearing of appeals. The great defect in the constitution of that body had been and necessarily must be the difficulty of procuring anything like a certain attendance of Members to hear appeals. The decision of the House of Commons by a very large majority that the Appellate Jurisdiction of the House of Lords should be abolished had been endorsed by the general approbation of the country. He could say for his own profession that the decision the House arrived at last year had their almost unanimous approval. For himself, he regretted that the question of the Appellate Jurisdiction for the Three Kingdoms had not been dealt with at one and the same time, seeing that such a course would have been preferable to piecemeal legislation; but having put an end to the jurisdiction as far as England was concerned, they were bound to do the same for Scotland and Ireland.

MR. GREGORY said, that the Bill was simply a completion of the one passed last Session, and it ought, consequently, to be passed, although he quite admitted that certain of the objections which had been urged by the hon. and learned Baronet to the abolition of the Appellate Jurisdiction of the House of Lords possessed considerable weight; but it must be borne in mind that this was primarily a question for that House itself to consider. If the House of Lords had seen fit to abolish their own jurisdiction he could not see how the House of Commons could thrust it back upon them by refusing to entertain the present Bill. Therefore, it was almost superfluous to consider the Motion proposed by the hon. and learned Baronet. He (Mr. Gregory) considered the Appellate Jurisdiction of the House of Lords not so

much a matter of obligation as of Prerogative; it was a Privilege, not matter of statute, nor hardly of common law. It would be most dangerous to force the administration of the law upon unwilling Judges. There were undoubtedly things in the present Bill susceptible of improvement, but these might be remedied in Committee.

MR. WATKIN WILLIAMS said, he could not help thinking, while concurring very largely in the observations of the hon. and learned Baronet, that it was really too late to attempt to save the Appellate Jurisdiction of the House of Lords. Universal regret was felt by members of the legal profession at the abandonment of the jurisdiction of the House of Lords. There had been a very natural reticence on the part of the legal profession to give a real, honest opinion upon the subject either in the House or in public; and the question had presented itself to him several times whether they ought to speak out the honest truth about it or whether they ought to be governed by the rules of good taste and propriety, considering their position as practising barristers in Court. He ventured to say that there was a very general, if not a universal, feeling of regret by the members of the legal profession that the jurisdiction of the House of Lords as a final Court of Appeal had been abolished. It was, however, too late to recur to that question now. Years ago the House of Lords had an opportunity of retaining that jurisdiction, but they neglected it, and declined to receive those moderate reforms which would have made their jurisdiction acceptable to the country. He could not help feeling that they—the House of Commons—gave way rather to popular sentiment and popular feeling in abandoning the jurisdiction of the House of Lords rather than facing the thing according to its merits, and consented rather hastily to its abolition. The House of Lords as a Final Court of Appeal had undoubtedly conducted its proceedings with the greatest solemnity, and had given the closest attention to all the arguments brought under its notice. Counsel and suitors were heard fairly and patiently without stint of time. With respect to the Exchequer Chamber, or the Lords Justices in Chancery, suitors did not receive such justice, so much so that nothing was commoner,

when a case was adjourned in either of these Courts, than to hear the remark, "the Court will be heard again tomorrow." No doubt, there were complaints against the jurisdiction of the House of Lords propagated over the country, and which aroused popular feeling against the jurisdiction; and the House of Lords in an unfortunate moment consented to give up that jurisdiction. Now it was too late, as they had chosen to give it up, to go back to that jurisdiction. A memorial, signed by almost every member of the Common Law bar, had been forwarded within the last month to the Lord Chancellor expressing their regret that the jurisdiction of the House of Lords had been abolished without a sufficient substitute for that tribunal being provided. The members of the legal profession, so far from desiring to impede the Act, were most anxious that it should come into operation without delay; but they felt a particular anxiety to see the Rules and Orders of the Court, which were to be framed by the Judges under the direction of the Lord Chancellor, in order to judge whether they were drawn in a spirit calculated to carry out the Judicature Act effectually. Great misgivings had been created in the minds of the Profession on account of the long delay which had occurred in preparing the Rules, and the apparent reluctance to lay them on the Table of the House. On the 21st of April, he put a Question to the Attorney General on the subject, and the answer was unsatisfactory. The hon. and learned Gentleman promised that they should be laid on the Table by the 1st of June; it was now the 16th of July and they had not yet been produced. But these Rules were the very backbone, nay, the flesh and blood, of the measure, and therefore the utmost anxiety was felt to know what they were. Even now great anxiety prevailed lest the Judges might have gone further than was expected, for up to the present moment the profession at large had not had an opportunity of seeing the Rules. After great exertion he and some others had succeeded in obtaining copies of the Rules, and he must candidly say they were, in his judgment, admirably framed, though it was impossible that any Rules carrying out such enormous changes, and travelling over such a vast surface, should not be here and there defective. There was, however, something about the

Rules which would demand the attention of the House before parting with the subject, and that was an attempt which was being made to interfere with trial by jury. He should deplore the day when we should part with trial by jury, even in exchange for some more scientific system. But those who were behind the scenes had reason to know that attempts were made by means of these Rules to do away with trial by jury; and if hon. Members had not been informed that those attempts had been abandoned, far stronger opposition would be given to the Bill. His hon. and learned Friend the Member for Taunton (Sir Henry James) would move an Amendment to secure that when the Rules should come into operation next November, trial by jury should be saved from being, if not altogether, at least in a great measure, superseded, and he hoped the House would support his hon. and learned Friend.

THE ATTORNEY GENERAL declined to enter in detail into the various matters referred to by the two hon. and learned Members who alone spoke in support of the Amendment. That Amendment, if successful, would be the most effectual means of defeating the end which his hon. and learned Friend had in view; for the result would be that while the Appellate Jurisdiction of the House of Lords would be abolished for England, it would remain for Ireland and Scotland, which would thus have a different Court of Appeal from this country. The whole of the arguments which the hon. and learned Baronet had addressed to the House had reference more to the details of the Bill than to the general question, and ought properly to be raised in Committee. The hon. and learned Baronet had referred to observations which he (the Attorney General) had made last year; but he (the Attorney General) did not then go the length of saying that the House of Lords ought to be retained as a Court of Appeal for all time, but only until it should be seen whether the Act of last year would in other respects work satisfactorily. But the opinion of Parliament, as expressed in the last Session, was not in favour of that view; and, whatever might be his own opinion upon the point, he accepted the decision of Parliament as conclusive. The only question now before them was, whether the House was prepared to give effect to the Bill which

*Mr. Watkin Williams*

had come down from the House of Lords, and to afford the same Appellate Jurisdiction for Scotland and Ireland which England possessed? One ground of his original objection to the abolition of the Appellate Jurisdiction of the House of Lords was removed by the provision in the present Bill, under which there would be a second appeal in certain cases where it was desirable. He submitted that the hon. and learned Baronet, having now expressed his views, and having a further opportunity of taking the opinion of the House on the points he had raised when they got into Committee on the Bill, had obtained his object, and should withdraw his Amendment. With regard to what had fallen from the hon. and learned Member for the Denbigh Boroughs (Mr. Watkin Williams), as to the course of proceeding before the Lords Justices in Chancery, and in the Court of Exchequer, he himself had no experience of the way in which justice was administered in the latter tribunal; but he had had as large or larger experience than the hon. and learned Gentleman of the administration of justice in the former, and he did not believe that there were any Judges in this country who more anxiously endeavoured to ascertain all the facts of the cases which they were called upon to decide, and to arrive at a right conclusion, than the two Lords Justices. If any fault at all could be found with them, it was that, in their desire fully to ascertain all the facts of the cases which came before them, they sometimes talked a little too much, in the opinion of some of those who practised before them; but, however this might be, all that they said was for the purpose of eliciting the truth. [Mr. WATKIN WILLIAMS: That is all that I said.] He accepted the explanation of his hon. and learned Friend, but had certainly understood his observations as made in a different sense. With respect to the Rules under the Judicature Act of last year, the several portions of those Rules were in print at the time he had stated on a previous occasion. They were before the Judges on the 1st of June, and discussed and finally decided upon by them on the 1st of July; and the only reason why they were not now on the Table of the House was, that it was desirable that the Bill now before the House should be first passed, and become a portion of the law of the land in con-

junction with the Act of last Session, because the Rules were intended to be Rules under the two Acts, and not under the Act of last Session only.

SIR EARDLEY WILMOT expressed his intention to support any proposal for the maintenance of trial by jury, if it appeared that the new Rules prepared in accordance with this Act in any way interfered with that institution. As to the Appellate Jurisdiction of the House of Lords, he thought the time had come when they might be released from their labours in that respect; and with regard to the new Supreme Court of Appeal, he feared it was one not quite worthy of the wants of the country. He hoped the Bill would be allowed to go into Committee, and that the various details of the Bill would then be thoroughly sifted.

THE ATTORNEY GENERAL FOR IRELAND (Dr. BALL) having last year objected to abolishing the ultimate decision of appeals in the House of Lords, and having advocated the retention of the House of Lords as the Supreme Appellate Tribunal for the entire Empire, wished now to state why he was unable to support the proposition of the hon. and learned Baronet the Member for the county of Wexford (Sir George Bowyer). A great opportunity was lost last year of surrounding the ultimate tribunal with the traditional authority and power which the long services of the House of Lords in relation to the jurisprudence of the country gave to its judgments; but while he felt this strongly, he could not but also feel that if they were every year to review their legislative decisions, and if what was solemnly enacted last year was to be reversed in the present, a still greater evil than even the abolition of the House of Lords as their ultimate tribunal would be introduced—namely, a total confusion and uncertainty as to the proceedings of Parliament. Therefore, although he thought it was an error to abolish the Appellate Jurisdiction of a body which had been distinguished for taking a much larger and more expansive view of the law than the inferior Courts, whose judgments it had to review, still he was not prepared to go back and undo the legislation of last Session. Moreover, the present Bill introduced some valuable improvements which he and others strove in vain to get inserted in the measure of last year.

MR. BUTT said, even allowing that they were to have a new Supreme Court of Appeal for England, he could not admit that it was now too late to consider whether they ought not to retain the House of Lords as the Ultimate Court of Appeal for Ireland. He believed that England had been surprised into assenting to the abolition of the jurisdiction of the House of Lords, and that if the opinion of both branches of the profession was taken they would declare that a mistake had been made.

MR. C. E. LEWIS expressed his regret that the hon. and learned Member for Denbigh Boroughs (Mr. Watkin Williams) did not appear to know his own mind last Session; for if he and other learned Gentlemen who thought as he did now had known their own minds, the legislation of which they complained might not have been carried into effect. The fact was that when he himself and some 30 or 40 other Members who took an interest in the subject had spent hour after hour in discussing the present Act, they found themselves quite overborne whenever they challenged a division by some 150 or 200 Members who had never heard a word of the arguments which had been advanced on either side. His opinion, then, was that the course which it would be most desirable to take would be to create a strong Intermediate Court of Appeal, so that the strain on the House of Lords might be rendered less and the difficulties in the way of making it a perfectly satisfactory Final Court of Appeal diminished. But a different course had been taken, and he now felt bound to vote against the Resolution of the hon. and learned Member for Wexford (Sir George Bowyer) simply because he was of opinion that it would be useless to vote for it, and that if carried it would lead to a great deal of confusion. Before he sat down he must protest against the delay which had occurred in laying the new Rules on the Table of the House. It was in the highest degree unsatisfactory, he thought, that they should be produced only just as the House was on the point of breaking up for the Recess, when there would be no adequate opportunity of considering them, especially as they were to come into operation so early as November. All he could say was that he hoped they would not be found to be worse than the Bill, which he had not much expectation of being

able to amend, seeing that it was the measure of a strong Government which while it gave way to its opponents sometimes sat upon its friends. On this occasion they were sitting upon the country in the form of the new Judicature Act, and insisting on bringing it into force while the country was ignorant of the new system.

MR. SERJEANT SHERLOCK was opposed to the transference of the jurisdiction of the House of Lords, of which the country knew a great deal, to a tribunal of which it knew nothing. It had been stated that the present intermediate Courts of Appeal were in an unsatisfactory condition, but this was surely no reason for interfering with the highest Court. Moreover, why should it be proposed to extend to Scotland and Ireland a measure which had not yet come into operation in England and the probable working of which was necessarily doubtful? With regard to the delay which had occurred in placing on the Table the new Rules which had to be drawn up under the Act of last year, he quite concurred in the protest which had been made by the hon. Member for Londonderry (Mr. C. E. Lewis.)

THE SOLICITOR GENERAL said, he was afraid after the remarks of the hon. and learned Member for the Denbigh Boroughs (Mr. Watkin Williams) would tend to confirm the vulgar belief that lawyers were not on all occasions disposed to speak the truth. The hon. and learned Member had observed that the time to speak the truth had now come.

MR. WATKIN WILLIAMS explained that he had spoken not with reference to politics and parties, but to his position as a barrister practising before Courts to whose functions he naturally felt a delicacy in referring.

THE SOLICITOR GENERAL said, that last year he expressed the opinion that if there was to be a Second Court of Appeal for English Appeals, the House of Lords would serve the purpose well. He did not now shrink from that opinion; but, at the same time, he opposed the Motion of the hon. and learned Member for Wexford, on the ground that the time for discussing the matter had gone by. They were prevented by the action of the House of Lords itself from raising the question. He was aware it had been said that the House of Lords, being in

the position of trustees or *quasi* trustees, was not at liberty to surrender a jurisdiction which it held for the benefit of the people. He listened with intense admiration to such sentiments; but he confessed they did not overwhelm him, for whether the House of Lords had a right to surrender the jurisdiction or not, as a matter of fact it had done it, and done it by a very considerable majority. It would be no use to go to the House of Lords and ask it to preserve a jurisdiction which it had deliberately given up. The rejection of this Bill would only leave the Act of last year incomplete. With regard to the new Rules, he denied that the Government had failed to act in accordance with the provisions of Section 68 of the Act of last year; and he mentioned that, although the Rules had not been officially issued by the Judges, yet they were already in the hands of many Members of the House.

MR. SERJEANT SIMON said, that his experience of the whole of the last Session had made him almost shrink from attempting to join in any discussion on a legal Bill, because the great majority of hon. Members did not attend to the arguments or take any interest in them. He did not mean to reproach the present Government, because they were only following the precedent set by the late Government. He did not blame the Government so much as the lay Members of the House, who, when a legal question was under discussion, paid no attention to it, and were content to follow the direction of the Government whip. With regard to the Amendment before them, he confessed that when the question of the abolition of the jurisdiction of the House of Lords was under consideration on a former occasion he was in favour of that abolition, because the House of Lords did not, in fact, deliver judgments, but left them to be delivered by two or three Peers only, whose attendance was uncertain. Its constitution was of a very poor description, and by no means such as to command the confidence of the country. A suggestion had been thrown out that that Court might be amended and improved by the creation of life Peers, and appointing Judges to sit there for purely judicial purposes; but if that were done it would be the Appellate Jurisdiction of the House of Lords; and if they were to have a newly-constituted Court

of Appeal such as that, they might as well have an entirely new one outside that House and independent of it. He did not believe that parting with their jurisdiction would weaken the prestige or authority of the House of Lords in their legislative capacity. He thought the House of Lords as a Legislative Assembly would command the respect of the country far more by the readiness with which it had parted with its jurisdiction than if it had attempted to retain it. He regretted the course taken last Session with regard to the matter, because it showed how easy it was to pull down and how difficult it was to build up. They had attempted to build up a new tribunal, and had failed in the attempt. He feared that this new Court of Appeal would not be a success. It would not sit in its entirety to judge upon legal questions, but was to be split into divisions of three Judges here, and three there, to take different questions from different parts of the Empire. This would be a defective system as compared with the present. The removal of the jurisdiction from the House of Lords would deprive the subject of the right of a second appeal, which he had always enjoyed at common law. He objected to the phrase "re-hearing" in lieu of "appeal." Re-hearing was an equity phrase and it usually meant a re-hearing of the case before the same Judge. But a suitor should be entitled to have his case reheard, not before the same Judge, but before another and a higher Court. After, however, what had taken place, he did not think it desirable that his hon. and learned Friend should press his Amendment. If carried, it would not have the effect of restoring the Appellate Jurisdiction of the House of Lords; but if he could see his way to a reconsideration of the abandonment of that jurisdiction he should be disposed to vote for the Amendment.

MR. MORGAN LLOYD said, that if he had been a Member of the House when the last Judicature Act was introduced, he certainly should have voted against the proposal to do away with the Appellate Jurisdiction of the House of Lords; but he was afraid it was now too late for them to retrace their steps. Indeed nothing ever surprised him more than to see the heads of the legal profession, who represented both political

parties, agreeing to give up so ancient an institution without a demand for its abolition being made from below. The public were satisfied with the House of Lords as the ultimate tribunal; and, so far as they had given any expression in regard to the matter, he believed they were averse to any change. It would have been very easy, as had been suggested, to create life Peers, supposing there were not already a sufficient number of Peers qualified to hear appeal cases, and there would have been no difficulty in consolidating the Privy Council and the House of Lords. The result would have been a Court of Appeal which would be respected by every colony of this Empire. It seemed to him to be a mistake to interfere with that Appellate Court. There ought to be a supreme Court of final resort to decide cases of real importance, and to make the law uniform. The Bill proposed to have a sort of intermediate Court of Appeal, but such a Court had no prototype in this country. In regard to trial by jury he was afraid there was a tendency towards doing away with that institution, but if such an attempt should be made, let the question be decided by a vote of that House after ample discussion. With respect to the number of Judges, he thought it would be the worst economy to limit the number too strictly. The present system was a tax upon suitors, jurymen, and witnesses, and tended to create dissatisfaction with the administration of justice in this country. It was better that Judges should wait for work than that suitors should wait to have their cases heard. He had been told by a merchant in the City that if they could not otherwise get a sufficient number of Judges, the City merchants would willingly subscribe to pay the expense of such additional Judges as might be necessary out of their own pockets.

MR. MITCHELL HENRY said, if there was one thing more technical than another in this matter, it was the Rules framed by the Judges to give effect to the Judicature Act. That Act provided that those Rules should be laid before Parliament within 40 days after being made, and if Parliament was not sitting at the time, then within 40 days after it had assembled. The object was that Parliament should have full opportunity of considering the Rules, for it was never intended that they should be

kept back until within three or four days of the Prorogation. Laymen had been blamed for not having taken part in these technical debates; but it was only now that they heard from hon. and learned Gentlemen who had seen the Rules that trial by jury was endangered. A more startling announcement could not have been made. The hon. and learned Member for Taunton (Sir Henry James) had put down an Amendment on the subject. But, suppose, like other hon. and learned Gentlemen, the hon. and learned Member for Taunton had remained silent, these Rules might have come into operation without the lay Members of the House seeing them, and trial by jury might have been done away. He deeply regretted the change which had been made in the Appellate Jurisdiction; it was unpopular in Ireland, and when understood would, he believed, be unpopular in England also. Access to the House of Lords had hitherto been made easy; but when this Bill became law that access to the House of Lords, which had been one of the greatest safeguards of the Constitution, would be done away.

MR. HOPWOOD denied that the House of Lords, as a Court of Appeal, was a satisfactory tribunal. From first to last, it was, as a judicial Court, a fiction. Any one who wandered formerly into the House of Lords when sitting as a Court of Appeal, might see the Lord Chancellor sitting with perhaps a lay Lord here, and a Bishop there, deciding what was to be the law for all time, or until both Houses of Parliament should agree to alter it. The Lord Chancellor, it was true, had the power in certain difficult cases to call upon the Common Law Judges for their assistance; but the result was that in such cases the judgment delivered was practically not that of the House of Lords, but of the Common Law Judges, whose opinions were generally followed by the Lord Chancellor in delivering his judgment, which was mis-called that of the House of Lords. Frequently it happened that the Lord Chancellor had been counsel in the cause brought up on appeal, and was therefore unable to preside in the House. In some instances Chancellors had sat upon appeal from their own judgments in the Court of Chancery. In some a Chancellor sitting alone had reversed the judgments of men as capable as himself, with



this great public disadvantage—that a decision in the House of Lords was law irreversible, except by Act of Parliament. If greater mischiefs had not resulted from the House of Lords sitting as a Court of Appeal, it was through the lucky accident that the men who presided over it possessed rare good sense and much learning.

SIR JOHN KARSLAKE defended the House of Lords from the injustice done to it by the hon. and learned Gentleman who had just addressed the House. No doubt some abuses had occurred. It was a misfortune when a Lord Chancellor sat alone to confirm his own judgments. It was also a misfortune when a learned counsel, having been raised to the Bench, sat in judgment upon cases upon which he had been employed professionally. But whatever might be done to establish a great Appeal Court for the country, he believed they would look in vain for any Court whose judgments would be treated with such profound respect as those of the House of Lords during the last 50 years. The recorded judgments of the House of Lords delivered during the last century would always be looked upon as containing a body of law of the utmost value, and as being decisions that would rule and govern any Court of Appeal that might hereafter be established. He must bear his testimony to the great learning, the great attention, and the great courtesy that had ever distinguished that tribunal, and it was with the greatest reluctance that he had convinced himself that the time had come when, at their own request, and at their own desire, the Appellate Jurisdiction of their Lordships must be abolished, inasmuch as the work that would have to be done would exceed the power of their staff to perform it. The hon. and learned Baronet (Sir George Bowyer) had urged that whereas the other Courts sat eight months in the year, the House of Lords sat to hear appeals only six months in the year; but he forgot that even during the period when the House sat, it only heard appeals during four days in the week, and even then with frequent interruptions, owing to the House having to sit as a Committee for Privileges. It would be impossible, under these circumstances, for the House of Lords to get through the vast influx of business that would result from the

passing of the Act of last year—to many clauses of which he had a strong objection—especially if important interests should agitate for a right of appeal, which was now denied them. He might observe incidentally that it was only through the connivance of the Courts, and through the agreement of the parties that the House of Lords had been able to hear and determine, in the Mersey Docks case, the most important question of rating that had been raised for a long period. If, therefore, a right of appeal were given in such matters as that, the increase of business would be so great that it was imperative that a new tribunal should be erected to transact it. The hon. and learned Member for Stockport (Mr. Hopwood) was quite wrong when he stated that the House always followed the opinions of the learned Judges who were called in to assist them. They gave due weight to those opinions; but, having sifted them with much care and industry, their Lordships delivered independent judgments, which in some cases were opposed to the majority of those opinions.

SIR GEORGE BOWYER said, he would withdraw his Amendment.

Amendment, by leave, *withdrawn*.

Main Question, “That Mr. Speaker do now leave the Chair,” put, and *agreed to*.

Bill *considered* in Committee.

(In the Committee.)

Clause 1 *agreed to* (Short title; and construction with 36 & 37 Vict. c. 66).

Clause 2 (Commencement of Act).

MR. BUTT expressed his belief that the opinion of the country was decidedly against the Act of last year by which the jurisdiction of the House of Lords was transferred, and that an opportunity ought to be afforded to both the House and the country for reconsideration. It had been too much the practice of late years to delegate the functions of Parliament to the Judges, and in this instance, though the Act of last Session provided that the Rules to be framed and to be adopted by the Judges should be laid before Parliament 40 days before they came into operation, they were to come into operation absolutely on the 2nd of November next. These Rules were of far too great an importance to be either framed or adopted in haste,

and it would be far better to proceed in such a matter as this with delay than without sufficient deliberation. He, therefore, proposed an Amendment, the effect of which would be to postpone the time at which the Act would come into operation till the 1st of November, 1875.

#### Amendment proposed,

In page 1, line 14, to leave out from the word "Act," to the end of the Clause, in order to insert the words "and the Supreme Court of Judicature Act shall come into operation on the first day of November, one thousand eight hundred and seventy-five, and not sooner, except as to any provision of either Act which is declared to take effect before its commencement,"—

(*Mr. Butt.*)

—instead thereof.

THE ATTORNEY GENERAL opposed the Amendment, the substance of which, he said, was identical with that of a new clause of which the hon. and learned Gentleman had also given Notice. With regard to the Rules that were in course of preparation for giving effect to the Act of last Session, it was directed by the Act itself that, after having been prepared by the Judges, they should be laid before each House of Parliament within 40 days thereafter, if Parliament should be then sitting, or failing that, within 40 days after the next meeting of Parliament. All that the Act provided with regard to time was that the Rules should be ready before the 2nd of November, 1874. They had been under the consideration of the Judges, and he hoped to be able to lay them before Parliament previous to its Prorogation; but even if he were unable to do so that was no reason why their coming into operation should be retarded. The preparation of the Rules was as far, if not further, advanced at the present moment than the Act had contemplated. He could not assent to the argument that it was desirable to afford an opportunity of considering whether the legislation of last Session ought not to be repealed. The country had resolved that there ought to be a change in the system of judicature, and was, he believed, satisfied with the new arrangements. The Government desired to keep faith with Parliament in regard to the Rules, as well as in regard to the measure itself, and, as he did not believe there was any general wish to take a retrograde step in the matter, he must oppose the Amendment.

*Mr. Butt*

MR. WATKIN WILLIAMS also opposed the Amendment, and expressed a hope that this great measure, the Supreme Court of Judicature Act, would come into operation at the appointed time, the 2nd of November. With respect to the Rules, there could be no doubt considering the great changes they would make, that great difficulty and confusion would ensue; but if the Judges worked the Rules loyally, and the profession endeavoured to support them in carrying the Rules out, we should be as well prepared for the measure coming into effect at next Michaelmas as ever we should be.

MR. SYNAN said, he thought the Attorney General had not answered the objections taken to the clause by his hon. and learned Friend the Member for Limerick (*Mr. Butt*). He (*Mr. Synan*) held that the Act, by fixing a distant date for its taking effect, contemplated that there would be abundant time given to all persons concerned to study the Rules by which the practice of the new Courts was to be guided. Even if the Rules were to be issued now, it seemed to him the time left for that purpose would be insufficient.

MR. SERJEANT SHERLOCK said, it appeared to him that the hon. and learned Member for Limerick was fully justified in proposing this Amendment. The Attorney General seemed to think the Rules would be issued in time even if they did not appear till the 31st of October. If that should happen, the result would be, not a fusion of Law and Equity, but the greatest possible confusion.

SIR EDWARD COLEBROOKE said, that in Scotland very great interest was felt in the question of the Rules being framed in due time before the Act came into operation. By Clause 20 there were some very large powers conferred upon the Judges of the inferior Court of Appeal conjointly with the Lord President of the Court of Session and the Lord Justice Clerk. His attention had been drawn to the terms in which these Rules were to be framed, in such a manner as to raise an apprehension that they might regulate the proceedings of the Court of Appeal in too stringent a manner. Now, without raising any question with regard to their terms, he should like to ask the learned Attorney General or his learned Friend the

Lord Advocate whether he felt complete confidence that these Rules would be framed in such time as would permit of their being amply considered before this Act came into operation. The time was very short. It was possible that his learned Friend might have these Rules in his pocket to table them before the Act passed; but in any case he (Sir Edward Colebrooke) thought that some explanation was necessary in order that the profession might be completely satisfied that there would be ample time for the consideration of these Rules before the Act came into operation.

THE LORD ADVOCATE said, that so far as regarded Scotland there were Rules appended to the Bill which would regulate the matters connected with Appeals, and it was not contemplated that there would be any further Rules until there had been experience of the manner in which these Rules worked. Therefore, his hon. Friend need be under no apprehension in reference to that matter. Then in regard to England, he had just been looking into the provisions of the Bill of last Session, and he found that in the 68th section it was provided that—

“All Rules of Court made in pursuance of this section shall be laid before both Houses of Parliament within forty days next after the same are made, if Parliament is then sitting, or if not, within forty days after the then next meeting of Parliament.”

So that it was contemplated that there might be Rules made while Parliament was not sitting and after Prorogation. But then the provision was made that these Rules should be laid before Parliament within 40 days after the meeting of Parliament, and then an opportunity would be given to Parliament for considering them. So that he thought it was contemplated, not that the Rules should be laid on the Table before Parliament was prorogued, but that they might be laid on the Table during the Vacation.

MR. MITCHELL HENRY suggested that the Bill when passed should not come into operation until after the Rules had been published. He hoped his hon. and learned Friend would press his Amendment to a division.

MR. SERJEANT SPINKS said, that in common justice to the profession and all parties interested, the Rules should not only be laid on the Table, but in the hands of the public a reasonable time before the Act came into operation. The

Government might yield a little by postponing its operation until Hilary Term, 1875.

MR. MORGAN LLOYD considered that the Rules ought to be laid on the Table before the third reading of this Bill.

THE ATTORNEY GENERAL FOR IRELAND (Dr. BALL), observed that this clause only said that the Bill should come into operation at the same time as the original Act. His hon. and learned Friend had given Notice of an Amendment that the Act should not come into operation till the 1st of November, 1875. Surely it was unnecessary to discuss that question twice?

MR. BUTT said, he thought the question might very conveniently be decided now.

MR. C. E. LEWIS said, he hoped the hon. and learned Gentleman would proceed to a division. If the new system was to come into operation in November next, why should they have to wait till October before they got the code of Rules by which it was to be governed?

SIR JOHN KARSLAKE said, it had been expressly provided by Clause 68 of the former Act that in the event of the Rules not being ready when Parliament was sitting, they should nevertheless come into operation, subject only to this proviso, that they should be laid on the Table when Parliament met. The power of making these Rules was limited by the 68th section, and the learned Judge would, no doubt, keep strictly within that power. There was no doubt any lawyer or solicitor who had to consider the Rules would, without difficulty, understand them before the time they were to come into operation, and be able to advise his client upon them. The rules had been prepared with the utmost care by the learned Judges, and with the one sole object of carrying out the Act as effectually as they could.

MR. OSBORNE MORGAN said, the Rules had been in his chambers for nearly a week, and he had not yet been able to form an opinion upon them. They constituted a thick volume, and were as much a part of the Act as any of its provisions. Unless a promise was given that they should be laid upon the Table at least a fortnight before the Prorogation of Parliament he should vote for the Amendment.

THE ATTORNEY GENERAL denied that he had acted otherwise than with perfect openness in this matter. He certainly drew attention to the 68th clause, but in almost the same breath he stated that the only reason why the Rules were not on the Table was that this Bill was pending, and that they would be produced the moment the Act was passed. A variety of suggestions had been made as to the time when the Act should come into operation; but he believed the 1st of November was preferable to Hilary or any other Term that had been named. He agreed with what had fallen from his hon. and learned Friend the Member for Huntingdon (Sir John Karslake) that a very few days would be ample time for any legal practitioner to become acquainted with the Rules. He had not got so low an opinion of either branch of the legal profession as to think that, if their attention was directed to the Rules, 48 hours would not be sufficient for understanding them.

MR. GREGORY said, that as soon as the Rules were framed the learned Judge who had special charge of the matter communicated them to the Incorporated Law Society, of which he was a member; and he was glad to have the opportunity of acknowledging his courtesy and consideration in doing so. A committee of the Society was appointed to consider the Rules, and suggestions had been made by them, many of which the learned Judge had adopted, and all had received his serious attention. The Rules were brought into a workable shape, and as soon as they had been put into that shape they were again submitted to members of his profession, including himself, and to members of the Bar. He saw no advantage whatever in postponing the operation of the Act. It would be injurious both to the profession and to the public to do so. He hoped the hon. and learned Gentleman the Member for Limerick would not divide the Committee on the Amendment.

MR. SYNAN pointed out that at the end of the 20th clause it was provided that the Rules with regard to Scotland and Ireland should come into operation at the same time as the Act of 1873. He considered it quite impossible that that could be done.

MR. BUTT claimed for his Amendment the votes of those Members who had suggested an intermediate time.

Question put, "That the words 'except any provision thereof' stand part of the Clause."

The Committee *divided*:—Ayes 123; Noes 38: Majority 85.

Clause *agreed to*.

Clause 3 (Substitution of Imperial Court of Appeal for Her Majesty's Court of Appeal in 36 & 37 Vict. c. 66. s. 14.) *agreed to*.

Clause 4 (Explanation of principal Act as to number of judges).

SIR HENRY JAMES moved, in page 2, line 13, to leave out from "twenty-one" to the end of the clause, and insert—

"So much of the said section as is hereinbefore recited shall be repealed, and the permanent number of the Judges of the said High Court shall be twenty-four, exclusive of the Lord Chancellor."

The hon. and learned Gentleman said, the Act of 1873 would practically reduce the staff of Common Law Judges by three, a result which would, in his opinion, prove detrimental. As a rule, he disapproved one Parliament undoing the work of its predecessor, but he thought this objection would not weigh against his present proposal, inasmuch as the decision arrived at in 1873 had not as yet had any effect on the judicial Bench. Down to the year 1830 the number of the Common Law Judges was 12; but in that year, in consequence principally of jurisdiction being given to them over Welsh causes, three more Judges were added to the Bench, so as to make the total number 15. This remained the number until 1868, though during the interval of 30 years our population had much increased, and the whole of our railway system had come into existence. These things had produced much additional litigation, and besides, the course of legislation had cast much extra labour upon the Judges. The Central Criminal Court had been created, parties had been allowed to be examined in their own causes, and the great extension of commerce had led to largely increased litigation in connection with commercial contracts. In 1868 three new Judges were

created for the trial of Election Petitions, and these Judges were afterwards utilized for other purposes. The number of 18 Judges had, indeed, been found to be scarcely sufficient to perform the increased duties cast upon them. There was no reason whatever why the number of the Judges should be reduced, except that they would no longer have the duty of sitting as members of the Exchequer Chamber; but this duty was a very light one, because he believed that all the days of sitting in the Exchequer Chamber were under 30 in the year. There would not be a sufficient number of Judges to fulfil the obligations cast upon the judicial Bench by the Rules under the Act of 1873. He had permission to say on behalf of the whole of the Judges of the Court of Exchequer, and also on behalf of several other Judges who had assisted in framing these Rules, that they could not carry on their duties if their number were reduced by three. They could not with such a reduced number—the chiefs of the three Common Law Courts being liable to be called away to sit in the Supreme Court of Appeal—have contemporaneous sittings in Banco and at *Nisi Prius*, as the object of the Bill was that they should have. Then, with respect to the Circuits, they could only be held by the Queen being represented, not by Judges of the land, but by Queen's Counsel delegated to perform the office of Judge in many parts of the country. The carrying out such legislation might lead to the saving of expenditure, but it would, in his opinion, be false economy. The arrears in the Common Law Courts at present were what had never been known before; and he was authorized by the Chief Baron to say that in all his experience he had never seen such an amount of arrears in his Court. He looked with confidence to the Treasury Bench on this subject, because the Attorney General had placed an Amendment on the Paper, to the effect that if it should please the Crown before the 2nd of November to appoint a Puisne Judge as a Member of the Supreme Court of Appeal, a new Judge might be appointed in his place. If a Judge was necessary on the 2nd of November, he was equally necessary on the 3rd of November, and he therefore hoped the Government would accept his Amendment.

THE CHAIRMAN said, that the words of the Amendment as they stood might be construed to involve an additional charge on the public revenue. He thought it would be more convenient if the hon. and learned Gentleman would make some alteration, to show that it was not intended to place any additional charge upon the public revenue.

SIR HENRY JAMES said, his Amendment did not necessarily create any additional charge. By keeping the Judges at 24 there would not, in the ordinary condition of things, be any increased charge.

THE CHAIRMAN observed, that the Amendment proposed to repeal the existing law, which provided there should be only 21 Judges, and to enact that there should be 24. It was a fair construction to put on the Amendment that it would entail an additional expense by the appointment of three additional Judges; and therefore he thought the hon. and learned Gentleman ought to insert a provision that this change should not entail any additional charge.

MR. GREGORY observed that as the Act which it was proposed to amend had not yet come into force, the Amendment did not involve any additional charge.

MR. WATKIN WILLIAMS said, the object of the Amendment was merely to prevent a clause in the Act of 1873, reducing the number of the Judges, coming into operation, and therefore it did not involve any increased charge.

THE ATTORNEY GENERAL said, the first clause incorporated the Act of 1873 with this Act, and the Judges would be paid under the Act of 1873.

THE CHAIRMAN said, he must rule that he could not put the Amendment, and suggested that the Attorney General should obtain the passing of another Resolution, and have the Bill recommitted, in order to introduce a clause he himself had on the Paper and this Amendment.

THE ATTORNEY GENERAL said, that, as far as he was able, he would give the hon. and learned Member for Taunton an opportunity of moving a Resolution in a Committee of the Whole House, with regard to his proposal, in accordance with the ruling of the Chairman.

SIR HENRY JAMES intimated that, in order to raise the question involved in his Amendment, he would move that the clause be struck out.

Amendment, by leave, *withdrawn*: Clause struck out.

Clause 5 (Amendment of section 8, of 36 & 37 Vict. c. 66. as to qualifications of judges. Not required to be serjeants-at-law).

SIR HENRY JAMES moved in line, 20, to leave out "any barrister," and insert "any person who has been a barrister in England."

Amendment *agreed to*: Clause, as amended, *ordered* to stand part of the Bill.

Clause 6 (Jurisdiction of Lord Chancellor and Lords Justices in respect of lunatics) *agreed to*.

Clause 7 (Provision as to existing judge of the High Court of Admiralty).

THE ATTORNEY GENERAL moved, at end, to add—

"Every Judge of the Probate, Divorce, and Admiralty division of the said High Court appointed after the passing of this Act shall, so far as the state of business in the said division will admit, share with the judges mentioned in section thirty-seven of the principal Act the duty of holding sittings for trials by jury in London and Middlesex, and under commissions of assize, oyer and terminer, and gaol delivery."

MR. WATKIN WILLIAMS moved to insert after "assize" the words "*nisi prius*."

Proviso, as amended *agreed to*. Clause *added* to the Bill.

Clause 8 (London Court of Bankruptcy not to be transferred to High Court of Justice) *agreed to*.

Clause 9 (Amendment of 36 & 37 Vict. c. 66. s. 19. as to appeals to be heard by Imperial Court of Appeal).

MR. MACKINTOSH moved, in page 5, line 1, to leave out "the Court of Session in Scotland" and insert "any court in Scotland from whence appeal now lies to the House of Lords." His object was simply to guard against the limits of appeal to the new tribunal being narrowed.

THE LORD ADVOCATE said, he was sorry he could not accept the Amendment, but he was not aware that there was any Court in Scotland, except the Court of Session, from which appeal could be taken to the House of Lords. It seemed to be thought by his hon. Friend that there could be appeal from the Justiciary Court; but in 1781 and at subsequent times it was decided there

could be no such appeal. An attempt was afterwards made to get legislation on the point, but after discussion the proposal was negatived. If there was any new proposal of the same kind, it would have to be brought forward in a measure dealing with the Court of Session; but at present no good could come from inserting the words, because there were no other Courts from which there could be appeals, and indeed their only effect would be to cause confusion.

Amendment, by leave, *withdrawn*.

MR. BUTT moved, in page 5, line 3, to leave out from "any judgment," to "House of Lords," in line 10. The hon. and learned Gentleman said, to carry Irish Appeals to an English Court was a violation of the Articles of Union, and it was done in opposition to the wishes of the great majority of the Irish Members. Was the House prepared, in opposition, to the wishes of the great majority of the Irish Representatives, to violate a distinct Article of the Act of Union? There would be a great inconvenience in bringing these questions to what would be essentially an English Court, which would not give satisfaction to Ireland; whereas the House of Lords as an Appellate Tribunal had given such satisfaction. It was probably too late, however, to make any alteration in this respect, but he wished to move his Amendment. The hon. and learned Member concluded by moving the Amendment.

Amendment proposed, in page 5, line 3, to leave out from the words "any judgment," to the words "House of Lords," in line 10.—(*Mr. Butt.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

THE ATTORNEY GENERAL FOR IRELAND (DR. BALL) said, he did not deny that there was a feeling in Ireland in favour of retaining the Appellate Jurisdiction of the House of Lords; but the resolutions of the Judges and the Bar of that country last year were to the effect that, while it would be desirable to maintain the House of Lords as the ultimate Appellate Court for the whole Empire, if it ceased to be so for England and Scotland, Irish Appeals ought to be sent to the same ultimate tribunal as Appeals from the rest of the United

Kingdom. The Irish legal system was the same as the English, and if they had one Court of Final Appeal for Ireland and another for England and Scotland they would have conflicting decisions and uncertainty introduced into the law. Moreover, when English and Scotch Appeals were taken from the House of Lords, that tribunal would not retain the same weight and authority as it had hitherto possessed, and Ireland would thus be placed in a disadvantageous position in regard to her Appeals. With regard to the argument that the Imperial Parliament was not competent to alter the Articles of the Act of Union, it was impossible to set up that doctrine after the passing of the Irish Church Act. The Imperial Parliament was as competent to deal with any provision contained in those Articles as the separate Legislatures of the two countries originally were before they were united.

MR. SYNAN said, the competence of the Imperial Parliament in that matter was disputed, both at the time of the Union and also at present. That Court of Ultimate Appeal would be an English one and it ought not to be forced upon the Irish people against their will.

MR. OSBORNE MORGAN said, the Irish Appeals which came to the House of Lords averaged from one to three per annum, and it would be absurd to keep up a separate Appellate Court for the hearing of so small a number of cases.

SIR EDWARD COLEBROOKE said, Scotland would be much more affected by the Act than Ireland. In Scotland there was a strong feeling against the transfer of the jurisdiction of the House of Lords, both amongst advocates and solicitors practising in the Courts. Their opinions had not been made public, however; but they had said to many Members of Parliament that if the jurisdiction of the Upper House were maintained for England it should be for Scotland also. He hoped the Committee would press upon the Government the advisability of making this tribunal a more mixed one.

Question put.

The Committee divided:—Ayes 191; Noes 29: Majority 162.

Clause agreed to.

Clause 10 (Amendment of s. 20 of 36 & 37 Vict. c. 66, as to discontinuance of appeals to House of Lords or Judicial Committee).

MR. CHARLEY said, that the clause raised the whole question of the Appellate Jurisdiction of the House of Lords, which he was anxious to maintain. The only argument which he had heard in support of the proposal to abolish it was that it was the duty of the Government to endorse the policy of their predecessors, which he denied; and, secondly, that the House of Lords had themselves surrendered it, but he denied their competency to do so without the assent of the House of Commons. The House would be therefore quite justified in declaring that that jurisdiction ought not to be abolished, and he hoped there would be some expression of opinion to that effect.

SIR GEORGE BOWYER asked, why it was intended to try the miserable experiment of a Court in which nobody believed? The Judges, Bar, and the people of Ireland and Scotland, were opposed to the change. The Government should reconsider the question.

MR. MC CARTHY DOWNING said, the hon. Baronet did not express the opinions of all the Irish Members, for he, for one, did not agree with the hon. Baronet.

MR. BUTT said, he could assure the hon. and learned Member that the whole Bar of Ireland was against the change.

THE ATTORNEY GENERAL said, the Committee were only resuming a discussion that had occupied their attention for several hours that night.

MR. WHALLEY said, the Act of last Session sanctioning this change was passed with less mature consideration than a measure of such magnitude ought to have been. He hoped the hon. and learned Member for Limerick (Mr. Butt) would take the sense of the Committee upon the clause.

MR. BUTT said, he would distinctly raise the question on the Report, by moving the omission of the clause. No division was taken upon the question last Session.

Clause agreed to.

Clause 11 (Amendment of 36 & 37 Vict. c. 66. s. 21. as to power to transfer jurisdiction of Judicial Committee by Order in Council) agreed to.

Clause 12 (Amendment of 36 & 37 Vict. c. 66. s. 53. as to Divisional Courts of Imperial Court of Appeal).

MR. M'LAREN moved in sub-section 3, line 19, after "appeal," to insert—

"of whom one shall have been a judge in the Court of Session in Scotland of not less than one year's standing, or an advocate of not less than fifteen years' standing."

The practising advocates of Scotland, he said, were rather scarce in that House. There were only two of them; one was his learned Friend the Lord Advocate, and the other, he was sorry to say, was absent from serious illness. The solicitors of Edinburgh had requested him to bring forward this Amendment, and the Bar of Scotland had a meeting two days ago, at which they unanimously agreed to send a circular to Scotch Members asking them to support this Resolution. Now, he would like to call the attention of the Committee to what took place last year under the late Government. After the Bill had gone through Committee, Mr. Bouverie proposed that it would be advantageous to include Scotland and Ireland in the appeal clause, and Judges from each country. That proposal seemed to be received by the House with general acclamation. The then Prime Minister rose in his place and said he was quite disposed to agree to it, and he afterwards stated that the Attorney General would put the necessary Amendments on the Paper on the following day to carry Mr. Bouverie's proposal into effect. Accordingly, the Attorney General did put the Amendments on the Paper, but a learned Lord, who was deservedly of great weight elsewhere, imagined that this arrangement would be an infringement of the Privileges of the House of Lords. A debate took place on the subject, in the course of which it was argued by the Prime Minister and Mr. Bouverie and many other hon. Members that no infringement of the Privileges of the House of Peers was involved; but as it was found the House of Peers were still opposed to it, the Government of the day thought it would not be advisable to proceed with the clause. The Bill was sent up to the House of Lords in such a form as would have enabled the Lords to have inserted the clause if they thought fit, but their Lordships did not do so. Of the Amendments made by the House of

Commons in the Bill, and rejected by the House of Lords, one was to this effect—

"Leave out 'Chancery' and insert 'being or having been a barrister in England or Ireland, or an advocate in Scotland respectively of not less than 15 years' standing, or a Judge of the High Court of Justice of not less than one year's standing.'"

The Lords disagreed with that Amendment, for the reason that the Appellate Court not being a Court of Appeal for Scotland or Ireland, its members ought not to be selected from the Bar of either of these countries. Now, that was perfectly true last year, but now the case was entirely altered. The Lords had sent down the present measure constituting an Imperial Court, and therefore it followed by every logical process that the reason which they gave for rejecting the Commons' Amendment last year was a strong reason now for admitting Irish and Scotch barristers to be members of this Court. A good deal had been said about the hostile feeling of Scotland against this Bill. He was not aware that there had been any strong hostility existing in Scotland against the measure; but then the irritation was kept in abeyance, so to speak, by the consideration that the Imperial Court, when formed, should not be a mockery, but a reality; and if that House refused to put a Scotch Judge into the Imperial Court of Appeal, there would be universal dissatisfaction from one end of Scotland to the other. He thought such a refusal would be most unjust and impolitic, and would be a palpable violation of the spirit of the Treaty of Union, if not of the letter. He had formerly taken the liberty of asking the Prime Minister a Question on the subject, and without meaning to cast any imputation on the right hon. Gentleman, he must say that he considered what he said was not so much an answer as a clever mode of evading the spirit of the Question. The clause in the Treaty of Union was to the effect that no cause in Scotland should be cognizable to the Courts of Chancery, Queen's Bench, Common Pleas, or any other Court in Westminster Hall; and that the said Courts, or any other of the like nature, after the Union should have no power to review or alter the acts or sentences of the judicature of Scotland. The Prime Mi-



nister said the new Court was neither the Court of Queen's Bench, or Common Pleas, or Chancery, but he (Mr. M'Laren) said it was all three joined together. The right hon. Gentleman said that the reason that the right to appeal to these Courts was taken away was because the Scotch had formerly the right of appeal to their own House of Lords. Now, the Scotch had no House of Lords—the Lords and Commons sat in the same chamber; but the Scotch had a High Court of Appeal—a High Court of Parliament. In England the usage was to appeal to the House of Lords. As a matter of history everyone knew that the lay Lords voted in the House of Lords for about a century after the Union, and the Scotch people knew that when the Union took place their 16 Peers would have a right to vote in every case that came before the House of Lords. He had referred to the Journals of the House of Lords. The way in which the Peers voted on particular questions was not given, but they did give the names of Peers who were present, and he found, when the first appeal from Scotland was disposed of, amongst those present the names of a number of Scotch Peers; and even down to 1810, in the celebrated case relating to the succession of the Dukedom of Roxburghe, Lord Lauderdale intimated that he would vote against the Chancellor, who thereupon called in Lord Melville to vote with him. He mentioned these things to show that there was a Scotch element in the Final Court of Appeal from the day of the Union which would now be extinguished, unless a Scotch Judge should be included in the new Court of Appeal; and although it had happened that there had not been many Scotch Judges among the legal Peers, yet there had been important exceptions. For example, Lord Brougham was a distinguished Scotch lawyer before he became an English Judge. If in the Imperial Court of Appeal they kept out the Scotch element they would create great dissatisfaction in Scotland.

#### Amendment proposed,

In page 8, line 19, after the word "appeal," to insert the words "of whom one shall have been a judge in the Court of Session in Scotland of not less than one year's standing, or an advocate of not less than fifteen years' standing."—(Mr. M'Laren.)

Question proposed, "That those words be there inserted."

Mr. ASSHETON CROSS said, the whole foundation of the argument of his hon. Friend was based on this fallacy—that it was intended to exclude the Scotch Judges from the High Court of Appeal. ["No!"] [Mr. M'LAREN: No. My contention is that they are not expressly included.] That was precisely what he (Mr. Cross) said. It was based on the assumption that there was an intention to exclude them, and this was a fallacy. The intention was that Scotch Judges and barristers should be members of the Court. There were provisions in the Bill that gave ample power for their appointment. He hoped there would be one, and sometimes more than one Scotch Judge in the Court, and he would not like, by agreeing to this Amendment, to seem to indicate that there should only be one. The hon. Member had said it was contrary to the Act of Union, and quoted the provision that there should be no appeal of Scotch cases to the Court of Queen's Bench, the Court of Chancery, or any like Court. But this was not a like Court. It was an Imperial Court, and all that was proposed to be done was to transfer the appeals from one Imperial Court to another. If the hon. Member wished to be consistent, he must go further, and provide that not only should there be one Scotch Judge on the Court, but that he should be present whenever a Scotch case was tried.

Mr. LEITH rose for the purpose of supporting the Amendment of his hon. Friend the Member for Edinburgh. He, and those acting with him, did not assert it was the intention of the Government not to appoint a Scotch barrister or Judge to be one of the proposed Imperial Court of Appeal. What they asserted was, that it was not provided by the Bill that a Scotch barrister or Judge was to be a member of the Court. They admitted that the Government might intend to appoint a Scotch member of the Court; but they claimed to have a right to have it distinctly stated in the Bill itself that there should be a Scotch element in the new Imperial Court. The very circumstance that it was to be an Imperial Court was an argument in their favour. It ought to be an Imperial Court not merely in name, but also in substance, and Scotland as well as England ought to be represented in it. In regard to the appointment of a Scotch

member being left open, this was a power which might be exercised or not, as the Minister for the time being might think fit. Scotchmen, however, maintained that they had a right to have a Scotch Judge in the Court. Still, he did not rest his argument entirely on the grounds which his hon. Friend had presented to the Committee with regard to the Act of Union; because he entirely differed from his hon. Friend respecting the language of the Act, which referred to the Courts of First Instance, and to the Courts of Queen's Bench, Common Pleas, and Exchequer. He concurred with the Home Secretary that the proposed Court was in substitution of the Court of Appeal which now existed, and which did not come in the category of the Courts alluded to in the Act of Union. Whether at this day we could dispute the right of the Imperial Legislature to alter or repeal the Act of Union, was too deep a question for him to enter into. At all events, the law of Scotland was entirely different from the law of England. It was a foreign law to the law of England. Consequently, Scotchmen could not silently acquiesce in this Imperial Court being comprised entirely of English gentlemen who had not been educated into a knowledge of Scotch law. He was not expounding a mere abstract theory, for it was well known that in 1867 the Government appointed Lord Colonsay to the Court of Appeal in the House of Lords, because it was found necessary to have a Scotch member of the tribunal. [Mr. ASSHETON CROSS: Hear, hear!] The right hon. Gentleman meant, he supposed, to indicate that the Government might, in the exercise of their discretion, appoint a Scotch lawyer to be a member of this Imperial Court. When cases involving Hindoo and Mohammedan law came before the Judicial Committee of the Privy Council, it was provided by statute that that tribunal should have the assistance of lawyers who had held the position of Judges in India. In conclusion, he pointed out that in consequence of his knowledge of the Roman Civil Law, a Scotch Judge would be able to render valuable assistance to the new Court; not only in regard to Scotch appeals, but also when colonial cases came on for consideration.

SIR GRAHAM MONTGOMERY said, he was quite aware that the Bar of

Scotland and the Scotch Society of Solicitors were in favour of the appointment of a Scotch Judge to the High Court of Appeal; but the matter had assumed a different complexion after the speech of the Home Secretary, and, for his own part, he was quite willing to leave it in the hands of the Government.

SIR EDWARD COLEBROOKE expressed his regret that the Home Secretary had risen so early in the discussion, committing Her Majesty's Government to the opinions he had expressed before an opportunity was afforded for anything like a general expression of the views of the Scotch Members. This was a question which excited great interest among the professional public, and a concession on the point at issue would do much towards reconciling people to the change of Appellate Jurisdiction.

MR. MARK STEWART said, he could not agree with the Amendment, because it assumed that no Scottish Judge would in future be appointed in the Supreme Court of Judicature. ["No, no!"] That was his impression, and it was, he believed, an assumption entirely without foundation.

SIR HENRY JAMES said, the effect of the Amendment would be to limit the power of the Crown in the appointment of Judges, a restriction for which there was no precedent. Scotland would continue to enjoy exactly the same benefit she had enjoyed hitherto in the selection of the best persons who could be found. As Scotchmen were not to be excluded, there was no more foundation for the Amendment than there was for one stipulating that six members of the Court should be Englishmen.

MR. WHALLEY said, the Amendment was based on simple common sense, and if the Bill passed in its present shape it would exclude from the Supreme Appellate Court one of the most essential elements of such a tribunal.

MR. RAMSAY said, the primary reason for which he supported the proposal was that the law of Scotland was different from that of England, and they wished to secure that there should be one member of the Court with some knowledge of it. They had no fear that Scotch Judges would be excluded.

COLONEL MURE also said, there was no other reason for the new clause being brought forward except the difference in the laws.

*Mr. Leith*

Mr. M'LAREN disclaimed any political feeling in the matter, and appealed to the Home Secretary to bring up some clause of his own.

Question put.

The Committee divided:—Ayes 61; Noes 125: Majority 64.

Committee report Progress; to sit again *To-morrow*, at Two of the clock.

House adjourned at a quarter after Two o'clock.

## HOUSE OF LORDS,

*Friday, 17th July, 1874.*

MINUTES.]—PUBLIC BILLS—*First Reading*—*Mersey Channels* \* (182).  
Committee—*Vaccination Act, 1871, Amendment* \* (161); *Chain Cables and Anchors* \* (157).  
Committee—*Report*—*Colonial Attorneys Relief Act Amendment* \* (134).  
*Report*—*Working Men's Dwellings* \* (171-183).  
*Third Reading*—*Intoxicating Liquors* (176); *Building Societies* \* (164), and *passed*.

## COURTS (STRAITS SETTLEMENTS) BILL.

(*The Earl of Carnarvon.*)

### CONSIDERATION OF COMMONS AMENDMENTS.

Order of the Day for taking into Consideration the Commons Amendments, read.

*Moved*, "That the said Amendments be now considered."—(*The Earl of Carnarvon.*)

LORD STANLEY OF ALDERLEY, in moving as an Amendment that the said Amendments be considered that day three months, said, the Bill had as yet received no discussion, for the noble Earl (the Earl of Carnarvon) never answered the objections which he made to its principle, and when it passed through Committee, he (Lord Stanley of Alderley) was too much disconcerted by the discussion which preceded that of this Bill, to make effectual opposition to the vague and dubious expression of "civilized Powers," which had now disappeared from the Bill. But, so far as the country was concerned, the Bill, in all its stages, had passed through a Secret Committee, for neither the country nor their Lordships knew anything of what

occurred with regard to it in the other House, beyond the fact recorded in the Minutes that the Solicitor General of the late Government put down a Notice for the rejection of the Bill. No notice whatever was taken of this Bill by the public papers during its passage through the other House, and there were many who hoped that it had been dropped. How had these Amendments come to pass? Three hypotheses were possible: either they were carried by a majority, which was improbable with the large majority the Government possessed; or the Secretary of State's Colleagues threw over the "civilized Powers" as untenable and indefensible; or, more probably, the noble Earl, after calm reflection, notwithstanding that he had appeared in Committee to be so enamoured of the term "civilized Powers," withdrew it himself. He must remind their Lordships that there was no similarity between the state of things attempted to be set up by the Bill and the extra-territorial jurisdiction which existed in Turkey and China, and other countries. There an immunity from local jurisdiction existed in favour of foreigners, because it had been freely granted by the Ottoman Emperors in the plenitude of their power, and in China and other countries it had been conceded after negotiation. Here, on the contrary, no immunity was sought for on behalf of our own subjects, but it was sought by an Act of Parliament to assume jurisdiction over foreigners for acts done by them in a foreign country, and this without the consent, or even the knowledge, of their own Sovereigns. He would ask their Lordships to consider what they would think if they were told that the United States' Congress had passed a law assuming jurisdiction over all offences committed in Nicaragua and Panama, on the grounds of the not very great efficiency of the Governments in those countries, and the number of United States' citizens that passed through them. There was not, however, much probability of such a Bill being passed in the United States, because there the Supreme Court exercised a supervision over the Acts of Congress, and would not permit such a Bill. There was an additional reason why their Lordships should not pass a Bill which legislated for another country without its knowledge or consent, and

that was the bad precedent which they would be setting, and which at this moment might be imitated. The project for discussion at the Brussels Conference was headed "Draft for a Convention," but in reality it was a Code of Law, and in the body of the document various clauses were referred to as "laws." Even should no harm come of this Conference, it might not be the last, and such Conferences might in future enact laws and claim to impose them upon small and weak States, and the attempt to do so might even be made upon ourselves. He then asked their Lordships not to proceed any further with the Bill, because, in the words of a Petition which he had presented against it—

"It proposed to do what is inherently and in the nature of things impossible, since by the law of nature and of nations no Sovereign could have any legal authority out of his own territories. To pretend, therefore, to confer such authority is an usurpation and an act of violence, the more dangerous as it is clothed with an appearance of legality by being put into the shape of an Act of the Legislature."

Now, a letter from the Singapore Chamber of Commerce to the Colonial Secretary of the Straits, dated September 17, 1872, said—

"It is respectfully submitted that the Straits Government, knowing, as it should, the history of the Salangore disturbances, is to a considerable extent responsible for the present unsettled state of that Kingdom in omitting to have Raja Mahdy arrested and tried for piracy when such arrest could have been made in Singapore."

THE EARL OF CARNARVON submitted that the noble Lord was out of Order. The Salangore piracy was not now before the House, and he hoped that the noble Lord was not going to reopen that now.

LORD STANLEY OF ALDERLEY said, his object was to induce their Lordships not to consider now the Amendments in the Bill, and therefore he submitted he was in Order in pointing out what would be the effects of the Bill. He was prepared to deny that Raja Mahdy had been guilty of anything that could be called piracy in a Court of Law, and that had he been tried for piracy, even if lawfully arrested, great injustice would have been done him. But for the purposes of his present argument that was a matter of perfect indifference, and for argument's sake, he would concede that he or others

had been, or might be, guilty of piracy. Well, if the local government acted on the instigation of such letters as that of the Chamber of Commerce, and should unlawfully and arbitrarily try a foreigner for an offence committed out of British territory, that would be a far less evil, and one that would not taint the nation in the same way as would happen if the Legislature itself committed that act of usurpation. No injustice of a Governor, nor even of Ministers, could be compared to an injustice committed by the highest Court in the land, the most High Court of Parliament, or to such a disorder as an infraction of right placed upon the Statute Book by this august Assembly, which was the guardian of law and order. Perhaps the noble Earl (the Earl of Carnarvon) would reply that, without this Act, the Straits authorities might be prosecuted for illegal arrest and trial of accused persons. He answered to that, that there were precedents which showed that an Act of Parliament which was null and void because it over-rode the Law of Nations, would be no protection. Mr. Justice Hotham observed that even an Act of Parliament made against natural equity was void in itself, for the laws of nature were immutable, and *leges legum*—that was, they were laws that govern the law; an expression equivalent to saying—"The Constitution is a law to the Legislature which it must not disobey." In the case of "*Regina v. Serva and others*" (1 *Denison's Crown Cases*, 104), which came on before the 15 Judges in Serjeant's Inn Hall on the 3rd of December, 1845, it was there held that it was unlawful for a British cruiser upon the high seas to capture and make prisoners of foreigners merely by virtue of the authority conferred by an Act of Parliament, but without any treaty between their State and this country to warrant it; that if such foreigners, whilst in that unlawful custody, afterwards rose upon and slew their captors, they were punishable for the same in any of the Queen's Courts of Justice. All the Judges assented to this doctrine except Lord Denman and Baron Platt. Lord Coke, Lord Hale, and Lord Hobart had laid it down that whenever Acts of Parliament contrary to natural right should pass, the Courts of Justice would refuse to give effect to such Acts of Parliament, and would hold them to be not laws but abuses. In 1816 the

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condemnation of a French vessel in the Vice-Admiralty Court of Sierra Leone was reversed by Lord Stowell, because slave trade was not piracy, and the Law of Nations could suffer the public servants of no State to punish the delinquencies of the subjects of another. Lord Stowell's judgment in this case concluded with these words—

"To press forward to a great principle, by breaking through every other great principle that stands in the way of its establishment; to force the way to the liberation of the Negro by trampling on the independence of other States; in short, to procure an eminent good by means that are unlawful, is as little consonant to private morality as to public justice. A nation is not justified in assuming rights that do not belong to her, merely because she means to apply them to a laudable purpose."

But was it certain that the object of this Bill, apart from its lawlessness, was a laudable one? Was it certain that it would not give rise to tyranny and wrong? If it should pass, was it certain that the Bindahara of Perak, now on his way as a guest to Singapore, might not be imprisoned and tried in consequence of clamour, such as that which called for the trial of Raja Mahdy? A few nights ago he heard a speech, with which he most cordially agreed, from the noble and learned Lord (Lord Selborne), on the necessity of providing legal education, and on the advantages of it for those who might later be called upon to make laws. He regretted that the opportunities proposed by the noble and learned Lord did not exist, so that he might have remedied his ignorance of English law; and he ventured to think that if the noble Earl (the Earl of Carnarvon) had heard any lectures on the Law of Nations, or had read even the Prologue of the Treatise on Law, by Suarez, that he would never have consented to introduce this Bill. After that, the noble Lord on the Woolsack delivered a magnificent and well-deserved panegyric on the dignity of the legal profession, and of law and its services to society. For law was only the divinely ordained order of things, and laws were the expression and rendering of that order in words. This was what had been said by all writers on the subject since the time of Cicero, and if their Lordships should pass this Bill, which was diametrically opposed to natural law and to the Law of Nations, they would introduce disorder into order, and poison the

wells of law. There was a new school of lawyers who could not bear that any crime or offence should go unpunished, and for this purpose they were ready, in this case, to sacrifice the Law of Nations, and in other cases nearer home, to alter our most ancient and most English institution, the number and unanimity of the jury. As they valued little the old English maxim that it was better that several guilty men should escape rather than run the risk of condemning one innocent man, so in like manner they would prefer to place a blot upon the Statute Book rather than see a few foreign Asiatics, for whose offences we were not responsible, escape chastisement. Leaving the Law of Nations, he desired to ask their attention to other considerations. The public here, and also in the Straits, had got the idea that this Bill was part of, and connected with, the engagements recently made in Perak and Salangore. Though this was not the case, it would be impossible to persuade them otherwise; and it would be still more difficult to convince the public and the Sovereigns of India, Burma, Siam, and China that that was not the case; and when all the other objections to the Bill were taken into consideration, it could hardly be thought worth while to pass it at the risk of creating alarm and disquietude, and interposing fresh obstacles to the advance of trade in all those countries.

EARL NELSON rose to Order. He submitted that the noble Lord was not justified in attacking the principle of a Bill when their Lordships were considering the Report of Amendments made by the House of Commons.

LORD STANLEY OF ALDERLEY hoped their Lordships would hear the few remarks he had to make in conclusion. The principle of the Bill had received no discussion. The Bill was not a Government Bill. The noble Earl (the Earl of Carnarvon) told the House on a former occasion that it had been drawn up by the Straits Attorney General. Half the Bill, or half the offenders intended to be brought under its effects, had been lost by the Commons' Amendments limiting it to Natives of the Malay Peninsula, excluding the Chinese; and he put it to Her Majesty's Government whether, after that, it was worth while to pass the Bill? He was, therefore, justified in making the observations he had made, and in the Motion which

he would now submit for their Lordships' approval.

An Amendment *moved*, to leave out ("now") and add at the end of the Motion ("this day three months.")—(*The Lord Stanley of Alderley.*)

THE EARL OF CARNARVON said, that all the Amendments of the Commons did was to define more accurately the class of subjects to be brought within the Bill.

On Question, That ("now") stand part of the Motion? Their Lordships *divided*:—Contents 58; Not-Contents 2: Majority 56.

*Resolved in the Affirmative.*

Commons Amendments *considered* accordingly, and *agreed to*.

#### THE FIJI ISLANDS—CESSION TO THE BRITISH CROWN.—OBSERVATIONS.

THE EARL OF CARNARVON, in calling attention to the Report of the Commission on the cession of the Fiji Islands to the British Crown, said:—My Lords, before I enter upon the subject, I wish in the first place to make a short explanation in reference to what might otherwise appear to be an intentional departure from an engagement. I was asked a few evenings ago to lay the Papers connected with this subject on the Table of your Lordships' House in sufficient time to enable noble Lords to read them before I made my statement. I promised to do so; but since then I have found that, owing to some mistake, which I am unable to explain or account for, they were not delivered to your Lordships till this morning. That being so, however inconvenient it might have been to defer my statement, I would not have proceeded with it without the consent of noble Lords who have taken an interest in these Islands. It is owing to their forbearance I now proceed to make a statement to your Lordships, which I will endeavour to render as brief as possible. Your Lordships are aware of the geographical position and character of the Fiji Islands. Their history and present state may be shortly described. It is some 20 years since they were colonized by English settlers who had come from our adjacent colonies. Some of those colonists bought land, domesticated themselves in the Islands, set themselves

to improving the places where they now live, and engaged themselves in various occupations. But, as is sure to happen in all such cases, new interests arose, jealousies sprang up, and difficulties were experienced, and from time to time appeals have been made to this country to take the Islands under its direct protection. The first formal proposal for a cession dates back, I think, to 1859. At that time Consul Pritchard, acting very much on his own authority, encouraged and endorsed a cession of those Islands. I think Lord John Russell was then Colonial Secretary, and he declined the offer. In the following year Colonel Smythe, a very distinguished officer, was sent out to inquire as to the advisability of annexing those Islands. He drew up a Report, which is now in print, and in which, on the whole, he gave his opinion against our accepting the cession. Two years after—in 1862—the offer was definitely declined. Time passed, and in 1870 a conference of Australian Colonies was held, a noble Lord who took a great interest in this subject presiding over that Conference. The opinions then expressed were very favourable to annexation. In 1871, a formal offer being then made, it was again declined by my noble Friend (the Earl of Kimberley) who was then at the Colonial Office. In 1872 the offer was once more renewed, and then my noble Friend, in consequence of the interest which was felt in the matter, sent out the two Commissioners, who proceeded to Fiji, and whose Report is now on the Table. I should here state, with reference to the state of things within the Islands themselves, that from about the year 1865 repeated attempts had been made in the Islands to establish some form of Government. In 1871 a constitution was established—and it was, I think, a constitution not at all fitted to the circumstances of the people. It was an imitation of the system of government in this country, and the machinery of a Constitution was applied. With that Government in operation a certain number of White settlers came to the head of affairs. No doubt, that form of government was established with the view of securing the pre-eminence of the White settlers over the Natives. But, as is often the case in such attempts, that wish was frustrated. Those at the head of affairs having armed a Native

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force, oppressed the White settlers, and pursued a course of still greater oppression towards the Natives—oppression so great that it drove some of those people to commit suicide. There were disorder and confusion all around, and a war of the most bloody character seemed imminent. Such was the state of things when the Commissioners appointed by my noble Friend arrived there, and there can be no doubt that their presence at such a time was beneficial. Immediately before their arrival, there had been a change of Government, with a new Constitution; but this second Government succeeded no better than the first. After several meetings, at which fresh offers were made, the Commissioners brought matters to an issue, and ascertained that the unanimous feeling of the settlers was in favour of a cession of the Islands to this country. I do not mean to say that the Report of the Commissioners is, in my opinion, an altogether satisfactory one. I do not think the calculations of the Commissioners are so reliable that we can trust to them on all important points, and I do not think the mode in which the cession is proposed to be made is one to which your Lordships would be disposed to accede. But the Report is before us, and we must deal with it, and it is my duty to lay before your Lordships the view which Her Majesty's Government take and the decision at which they have arrived. The question is, what course ought we to take? In considering this, I wish to draw attention to no fewer than four several considerations. The first is, that of the different alternatives in the form of a Government; the second is, the probable objections to a cession, to which we are bound to look; the third is, the reasonable arguments which may be urged in its favour; and the fourth is, the conditions of acceptance if a cession is to be accepted. As to the alternatives, I see four. One of them was indicated in the Despatch of my noble Friend to the Commissioners—I refer to the establishment of Consular Courts—a plan which has been tried in Japan and China. Now, at best, such Courts only exercise a feeble and inadequate control. In the case of these Islands such a plan could be regarded as no more than a stop-gap at best, and ultimately it would be necessary to substitute another form of Government. That course, therefore,

did not seem feasible in this case. The second alternative is one which seems to have found favour with my noble Friend opposite (the Earl of Kimberley), though there has been a somewhat doubtful experience of it in other instances. I allude to the annexation of those Islands to some of the neighbouring Australian Colonies, to be governed by the Colony to which it is annexed. When my noble Friend suggested that, no doubt he had before his eyes one or two precedents which had not been unsuccessful. The colony of South Australia does at this moment hold a dependency in a district of North Australia, at 1,000 miles distance by land—and the difficulties of government arising from such a distance by land are not less than would be the difficulties arising from a distance of 1,000 miles by sea. There is another instance—that of a new colony in South Africa, the government of which was to have been administered at the Cape. However, that scheme has never been carried out, and the new colony is still administered by the Colonial Office. There is an objection to this plan on another ground. As it seems to me those colonies in Australia are not yet arrived at a state of development which would fit them for undertaking such responsibilities. Their own burdens are very great, and though there is good will on their part and they possess a great share of political ability, they have not yet arrived at that state when they can take upon themselves the administration of the affairs of a young dependency. That is my view of the matter. The third alternative is to at once make the Islands a Crown Colony. I can only say that if these Islands be ceded to us and we are to accept them, no form of Government can be entertained for them but that of a Crown Colony. Looking at the past history and to the future of those Islands, I should say that a Crown Colony of a rather severe type is the form that should be adopted. There remains the fourth and last alternative—namely, leaving the Islands to themselves. My Lords, I think this last alternative is simply impossible under present circumstances. The difficulties have attained to such a height that civil war in those Islands has been prevented only by the presence of one of the ships of the Royal Navy. There are English settlers there in such numbers, English capital is so

largely embarked, and English interests are so much involved in the peace of the Islands, that it would not be safe to fold our arms and say we would not have anything to do with the Islands. But, my Lords, I must now state some of the difficulties. In an interesting description of those Islands written by a botanist and geologist who visited them, I find the author states that in no place ever visited by him had he found it harder to arrive at the truth than he had in the Fiji Islands. Having myself read a good deal about them, I agree with the author as to that difficulty. There are obvious practical difficulties to which I must allude. There are 200 Islands, and the Native population is 160,000. Of these, 140,000 are in a state of comparative civilization; but the same cannot be said of the remaining 20,000, who live in the mountains and are utterly barbarous. Experience teaches us that there are considerable difficulties of government when there is a small colony of settlers surrounded by a large Native population; but I fairly own I do not think the problem so difficult in this case as in others which I could name. The Natives are scattered over 200 Islands; they are divided in feeling by certain local jealousies; and with the exception of the 20,000 mountaineers, they are a milder and gentler class of Natives than those with whom we had to deal in New Zealand. The old barbarous customs are dying out. A few years ago, slavery existed and women were sold for five dollars each, widows were strangled on the death of their husbands, whole villages were massacred, and, worse than all, cannibalism was practised. That is all gone. Idolatrous temples have been demolished, and in the great square where the most horrid orgies were celebrated, a Christian church has been erected, and the population is rapidly passing into a milder and more advanced state of civilization. I am bound to point out that great difficulty lies in the question of land. The public land is much smaller in extent than would have been expected, and the private land is complicated by tribal relations and claims which no doubt are very perplexing, and many of the titles of the White settlers did not rest on indisputable foundations. If the cession of those Islands be accepted, one thing is clear—namely, that the Crown must

have a right of pre-emption in all lands. The land must follow the rule which has been adopted elsewhere, and all grants of it must issue from the Crown. All parties must be prepared to give up something, and we may reasonably call on them to do so, because from the moment English sovereignty is established the value of land will be not doubled, but quadrupled or quintupled. My Lords, there is another difficulty. The Commissioners report that the debt of these Islands is not less than £87,000. How that enormous sum has grown up I do not know. I do not know even the original price of the stock issued. All I do know is, that in the course of two years so reckless was the financial administration of the Government there, that £124,000 was spent, and a debt of £87,000 remains as a legacy. If there should be a cession, Her Majesty's Government must prepare themselves for a full inquiry into the financial question with full liberty of dealing with them in the way they consider right and just, and in accordance with the demands on the revenue of the Islands. The calculations of the Commissioners are not as satisfactory as I could have desired—in-  
deed, I think they are illusory—but I entertain very little doubt that by a prudent financial policy the revenue of the Islands may be made sufficient for their requirements. The first few years will be years of difficulty, but there is no reason to doubt that at a later period the resources of the Islands will be sufficient for all wants. It only remains for me to point out some of the principal reasons that would seem to indicate that it might be advisable to accept a cession. The geographical area of those Islands is not very large; some of them indeed are larger than the larger Ionian Islands or than Malta, but they may become as fair a possession as any one of our smaller possessions. The exquisite loveliness of the Fiji group and the beauty of the climate are well known. Members of this House have seen them, and travellers have described them. No frost ever comes there. The temperature is at all times comparatively mild. The internal resources of the Islands are considerable, for the soil is very productive. The cotton plant, the sugar cane, the palm, the banana, all grow there. Then, look at the position of these Islands. They are



in the track of all ships passing between the new World of America and the still newer World of Australia. They possess unquestionably fine harbours, and one of them would be a desirable intermediate station for the coaling of steamers running between America and Australia. In the next place—though I do not advance this as the sole argument on which this cession rests—we should not forget the labour trade which has grown up in the seas around these Islands, or the utter iniquity and barbarity with which the traffic is carried on. Bishop Patteson, as true a martyr as ever sealed his faith with his blood, offered up his life in an effort against that atrocious kidnapping trade, and no Government, whether it sits on this side or the other, can view with anything but deep interest everything that offers a means of putting down that iniquity. Those Islands, though they do not cover the whole area of the kidnapping trade, rise, as it were, in the centre of it, and are a convenient post from which it may be watched and brought within those wholesome and legitimate limits within which it becomes a blessing instead of a curse. I am loath to use words which seem too strong for the occasion, and therefore I hardly like to say that England has a mission to extend her policy of colonization in this part of the world, but at all events it does seem to me that there is an indirect duty which lies upon us, as far as we can, to take under our protection a place into which English capital has overflowed, in which English settlers are resident, in which, it must be added, English lawlessness is going on, and in which the establishment of English institutions has been unsuccessfully attempted because they were of such a character as not to be suited to the circumstances of the case. I cannot, moreover, be blind to the fact that there is a strong wish on the part of almost all the adjoining Colonies that these Islands should be taken under English sovereignty. Not only is this so, but I have received from New Zealand and New South Wales cordial offers of co-operation in any efforts which may be made to carry out the policy of annexation; and I believe further that the last named colony would be ready to bear a fair share of the burdens which would be involved, if those burdens could be properly and legitimately placed upon it. I hope it may be possible, if

this cession is accepted, to take advantage in some degree of that co-operation; but while repeating that I do not think it would be possible to annex these Islands as a dependency to any existing colony, I must express my opinion that such an offer as the one I have just mentioned—an offer which is almost new in the history of the world—should be heartily recognized and cordially dealt with. We ought at least to express satisfaction that an English colony is willing to come forward and volunteer its help in bearing the common burdens of the Empire, and so to show that in this, as in other respects, our Colonies are bound to us by common ties, and that there is a real partnership in the great Empire of which we are all members. On this general review of the circumstances your Lordships will not be surprised to hear that it is the feeling of Her Majesty's Government that they cannot decline the duty of accepting these Islands. If we do not decline them, we accept them; and it then becomes important to know how this is to be done. The view of Her Majesty's Government is that there is but one single condition on which the cession can be accepted—the condition is that in all material and essential respects the cession shall be absolutely unconditional and that we shall have full freedom to administer the affairs of the Islands. It would ill consort with the dignity of the Crown that conditions should be annexed to any such cession. I must mention that in the Appendix to the Report of the Commissioners there is a communication from Mr. Thurston, the so-called Prime Minister of Fiji, in which he specifies no less than 19 conditions on which the cession was to be made. I will not go through these conditions in detail, but will simply say that they are wholly and entirely impracticable. Among the conditions are one to secure hereditary rights in matters of administration and government, another for the appointment of a certain number of Fijian Chiefs to the Council, and yet another stipulating that Her Majesty's Government should assume without inquiry the existing liabilities of Fiji. Difficult as the task of governing these Islands must be in any case, the task would be made simply impossible if the conditions were to be accepted, and therefore Her Majesty's Government

are only prepared to accept an unconditional cession of the Islands. With that view—while fully appreciating the exertions of the Commissioners—Her Majesty's Government feel that we have now arrived at a new stage of these negotiations, and that we should hardly require these gentlemen to go back and revise their own work and conduct the negotiations to a final settlement. We therefore propose to instruct Sir Hercules Robinson, the Governor of New South Wales, to proceed at once to Fiji, to restate the whole case, explain the difficulties in the way of the cession on the terms proposed by Mr. Thurston, and place the matter fully, fairly, and candidly, before the Chiefs and the White population. I do not think a better choice could be made. The tried ability, administrative experience, and great personal and local experience of Sir Hercules Robinson point him out as the fittest representative of the Crown in the peculiarly difficult and delicate circumstances in which he would be placed. It has, curiously enough, been my lot this year to propose to Parliament two colonial policies—one with regard to the Gold Coast and the other with regard to Fiji—both touching the question of territory abroad, on a considerable scale, and which, if they differ in many respects, yet agree in this—that each of them has to be dealt with not upon general considerations, but on the special merits of the individual case. Whether your Lordships agree or disagree with me in what I have said, I hope you will do me the justice to acknowledge that I have not concealed or coloured anything. I have endeavoured to lay the whole case *pro* and *con*, as fully as possible before the House. I do not deny that there will be difficulties in the way of carrying out the scheme I have laid before your Lordships, but at the same time a choice must be made in this as in many other things. I believe the difficulties when boldly faced, will not be found to be so very formidable, provided the cession comes to us untrammelled by unworkable conditions; and although I am quite aware of the magnitude of the task, I for one shall not be afraid to encounter it.

VISCOUNT CANTERBURY said, he must be permitted to express his thanks to the noble Earl for the courtesy he had shown him, and for the course which he had pursued. Referring to the early

history of the Fiji Islands, these Islands had been resorted to by British settlers against the wishes and advice of British authority. They were repeatedly warned that if they did settle there, it would be at their own risk. Nevertheless, their sense of allegiance to the British Crown did not prevent them from disregarding these warnings, they settled in the Islands, and swore allegiance to the Native Kings. Now, however, that untoward circumstances had arisen they did not hesitate to invoke British protection as British subjects. The noble Earl said, that the Commissioners who went to Fiji to make inquiries as to what course ought to be pursued had arranged for a cession of the Islands. With whom the arrangement had been made, the noble Earl did not say; but he (Viscount Canterbury) had reason to believe that all the authorities of the Islands had not consented to the cession. He understood that the Marku—one of the most influential of the Fiji Chiefs—was not included amongst those who had consented. Probably he had induced other chiefs to consent without doing so himself. At first he (Viscount Canterbury) attached some importance to the offer; but he attached less to it now, because it appeared that the noble Earl was prepared to advise the Crown to accept an offer which had not been made, and was not prepared to accept an offer which had been made. He considered that Consular Courts would not be satisfactory. He quite agreed that the only form of government must be that of a Crown Colony, for a strong Executive was absolutely necessary to administer the affairs of such a Settlement. Though he had had some experience in the Colonies he would not envy the position of the Governor of the Fiji Islands; for if any one of the Natives disliked his government he would appeal to one or other of the Parliaments in Australia or New Zealand, and though what they might do would not affect the Governor, yet a communication would probably follow to the Secretary of State at home. As regarded the land, he understood that the offer of cession would not be accepted unless it included the whole of the land.

THE EARL OF CARNARVON explained that a much smaller quantity of land was available in the Islands than was generally supposed, and that there

would be no condition one way or the other about it.

VISCOUNT CANTERBURY asked whether he was to understand that the question of the land formed one of the chief difficulties? for the Commissioners stated that there was not a single acre of land that was not owned. There were 4,500,000 of acres in Fiji, and when the Crown accepted the cession the first thing the Governor would have to do would be to consider who were the owners of this land. The fact was, this question of the land lay at the root of those complications which the Government would have to contend with at Fiji. He had noticed a striking inconsistency in the Report of the Commissioners, for in one part it was stated that the settlers were totally unable to take upon themselves the payment of the debt, while in another part it was stated that provided the British Government would take possession of the Islands the settlers would undertake not only to provide for the debt, but also to make provision for paying the costs of the Governor of the Islands. If this cession affected the honour and interest of the Empire then he would agree to it, but did not believe that it did. He had seen it stated that this cession ought not only to include New Hebrides, Solomon's Island, New Caledonia, and all westward of the Loyalty Islands, to a certain degree of longitude, but also New Guinea, which was an Island 1,600 miles long and 400 broad. He understood that applications had been made to the Government by two Australian Colonies in reference to that matter. It was not because he underrated the importance of the duties that attached to a great Power, nor because he was willing to abandon those duties out of consideration for pounds, shillings, and pence, nor because he weighed safety and profit against the honour and duty of this country, but because he thought that under existing circumstances the acceptance of the sovereignty of Fiji by this country was not a matter of duty and would confer upon the British Empire advantages in no degree equivalent for the difficulties that the acceptance of the sovereignty would involve, that he felt bound to protest against this proposal for annexing these Islands.

THE EARL OF BELMORE said, that for a long time he had not been in favour

of the cession of the Fiji Islands; but having watched this question with considerable interest, and having had four years' experience in that part of the world, and after since reading the Report of the Commissioners, he had at length arrived at the opinion that the only course open to Great Britain was to annex the Islands. In dealing with the four courses which the noble Earl the Secretary for the Colonies had said were open to us in the matter, no doubt, the establishment of Consular Courts in the Islands would be a cheap way of doing what was required; but that course would not answer in this case. Again, the annexation of the Islands to one of the Australian Colonies would not answer, seeing that the latter had quite enough to do to develop their own resources, without being troubled with the government of a dependency 2,000 miles away. The noble Earl (the Earl of Carnarvon) had quoted two cases as precedents. As to the first—that in Africa—he had no knowledge of it; but, as regarded the case of what was called the northern territory of South Australia, he hardly thought it was a precedent. He had always understood that territory to be an integral part of South Australia, and it was so marked on the maps. It was also subject to the jurisdiction of its Courts. [The Earl of KIMBERLEY: Hear, hear!] The White population was not large enough for the experiment of responsible government. The third proposal—that the Islands should be governed as a Crown Colony, through a Governor, who should be responsible to the Colonial Office alone—was the best that could be adopted, leaving to a future time, when the number of the White population had sufficiently increased, the consideration of place—that the Islands should be permitted to govern themselves, under an English Protectorate. He thought the question of expense should not be allowed to prevent the best man being selected as Governor who could be induced to accept the office. It was evident that a great deal of mischief might be done by placing a person without sufficient experience, tact, or judgment in a position of responsibility in these Islands. The fourth plan suggested was to leave those Islands alone, on the ground that those who had gone there had gone at their own risk, and in spite of warnings which they had received; but though perhaps, strictly

speaking, they might have no claim to protection, yet it was our duty not to ignore the existence of a British community such as that which was now to be found in Fiji; and it was none the less our duty because those Islands had been made the centre of many outrages connected with the labour trade, and of other outrages opposed to all settled government—not to speak of the common feelings of humanity. It was, no doubt, true that the White settlers in Fiji, finding that Great Britain would not accept the sovereignty of the Islands, did apply to the United States; and in this, though they—the British settlers—would probably prefer to be governed by their own country, if possible, they were actuated by a desire to obtain a strong government. It should, however, be remembered that the offer was not made to the United States until after the English Government had refused to assume the responsibility, when it was offered to them by their own countrymen. The question of land was, no doubt, one of considerable difficulty. The noble Viscount (Viscount Canterbury) seemed to suppose that Her Majesty's Government proposed to take possession of the land; but he (the Earl of Belmore) only understood his noble Friend to say that Government must insist on a right of pre-emption. [The Earl of DERBY: Hear, hear!] The debt would also be a difficulty, for that money had, in reality, been raised at 80 or 90 per cent, and, to some extent, upon what looked very like false pretences. A regular government and a strong government were, no doubt, required in Fiji, for the purpose of dealing firmly, among other things, with the evils of the labour trade; and, in the arrangement lately concluded, the Islanders had been fully instructed upon what terms the cession had been accepted. No doubt, when England took over the Islands, and Fiji became our chief naval station in the Pacific, law would naturally be established and order maintained. The noble Viscount had alluded to New Guinea, and considered that if we accepted Fiji, we should have to follow unauthorized settlers to New Guinea. Shortly before he (the Earl of Belmore) left Sydney, an application was made to his Government by the organizers of an expedition to that country, for assistance in the way of

arms from the Government stores. The application was, of course, refused. That expedition failed; but he thought it very probable that the day would come when Her Majesty's Government would be called on to deal with a settlement in New Guinea, and when it did come, it must be considered on its own merits.

THE DUKE OF MANCHESTER congratulated his noble Friend the Secretary of State upon the decision to which he had been enabled to come in regard to the annexation of the Fiji Islands. That policy had become our bounden duty. It was a clear necessity that, when Englishmen had formed settlements in these barbarous spots, English law should follow them. He did not doubt that, in annexing these Islands, we should impart to the Natives our own civilization and prosperity.

THE EARL OF KIMBERLEY said, he could not accept the principle that it was our duty to follow British settlers wherever they went, and to annex those countries. He would rather say that every case ought to be considered on its own merits, and according to the circumstances surrounding it. It would be intolerable if it should become a recognized principle, that British settlers landing on unoccupied ground in any part of the globe could pledge this country to the extension of an Empire which was certainly not too small at the present moment. At the same time, he agreed that there might be cases in which it was necessary to add to the territory of the Crown. The decision of the Government in a case like the present involved a great deal of responsibility; and, for his own part, as he had seen the Papers only that morning, he had not been able to come to a definite conclusion. There were, however, one or two considerations lying on the surface to which he might refer. It had been stated that when he was Colonial Secretary he made a suggestion to the Government of New South Wales that they should undertake the government of the Fiji Islands. That was scarcely correct. What took place was this. The Australian Colonies had pressed the Government to annex those Islands, and as Fiji contained a large number of colonists from Australia, he intimated that the Government would, in the event of a cession being accepted, consider any application from New South Wales for

taking over the administration. The Government, however, declined the proposal of New South Wales, and the suggestion came to nothing. The union, however, of British Columbia to Canada was one, the working of which could not be less difficult than some similar arrangement between the Fiji Islands and New South Wales. Nearly all the settlers in the Fiji Islands had gone from the Australian Colonies, and the connection between the two was in many respects very intimate. The important question was how to deal with an offer of cession which had now been repeated, and whether Her Majesty ought to be advised to accept it. Her Majesty's Government had come to a wise conclusion in not accepting the cession on the terms proposed in the document laid before their Lordships; but the Government would not escape from any of the real difficulties by merely insisting that the cession must be unconditional. The land question was the real difficulty. It was impossible that we should undertake the government of those Islands without some distinct understanding and condition as to that all-important question. The people of those Islands must likewise have a clear knowledge as to their future rights and condition. Whenever European settlers went to a country in which there was anything like a settled mode of life, difficulties always arose as to the cession of land, and those difficulties frequently led to war. That had been the case in New Zealand and elsewhere; and Her Majesty's Government must feel that if they accepted the cession of the Fiji Islands, the rights as to the land must be most carefully ascertained and guarded. In Paragraph 41 the Commissioners pointed out this danger, and said that to interfere with the possession of land might entail the prosecution of a most unjust war. This showed the importance of handling the question of the land with prudence. A little further on, the Commissioners pointed out that the title to land in the Islands was not fully vested in the King or the Chiefs: it was clear that a portion of the land was held in common, that the right to its possession was of an undefined character; and even although the cession might be unconditional, yet Her Majesty's Government would see the necessity of reserving to itself the

right of imposing, or agreeing to, or devising, some conditions. If they meant that the land of the whole of the Islands should be handed over unconditionally, it would almost certainly follow that contentions would arise between the Whites and the Natives as to the rights to the land, and such a commencement of the new settlement would be anything but auspicious. He believed that there could be no doubt that the White settlers had acquired large tracts of land with very defective titles; so that we should find ourselves immediately involved in questions with the Natives as to their rights to land, and with the settlers as to the lands they already held. If once the Fiji Islands were made a Crown colony, the settlers who now claimed these tracts of land would find that they had got a valuable property, and they would be by no means ready to part with it. With regard to the general question of government, in the event of annexation, it might be indispensable that the Fiji Islands should be governed on the principle of a Crown colony. He wished, however, to point out that to create a pure and simple Crown colony, in the words of the noble Earl, of a "severe type," would be to do that which in modern times had never been proposed. The tendency of late years had been in the contrary direction. No doubt in Jamaica it had been necessary to recall rights already given; but they all knew that in Jamaica there was not an increasing White population. They would have to deal with an active—he would not say a turbulent—but, certainly, with an adventurous population, gathered from all the neighbouring countries. Many of these settlers came from colonies which had been long under a democratic form of government. They would be re-inforced by further arrivals from Victoria and New South Wales; complaints by the White settlers would be sure to be mooted at Melbourne and Victoria, and by these means constant embarrassment would be created in the government of the Island. These circumstances would render it extremely difficult to administer the Government as a Crown colony. Crown colony meant a colony of which all the governing officials were appointed by the Crown, and in which the people had no voice in the management of their own affairs. It

would be what was known as a "Downing Street Government," set up in a country the settlers in which had not always been easy to satisfy even with their own democratic form of government. The Government would have to discharge the most difficult and important of all tasks—to maintain equal and impartial government between a large body of Natives and a small but constantly increasing body of White settlers, and when the Government, as they would be very likely to do, leaned to measures in favour of the Natives, those measures would be sure to be extremely distasteful to the Whites. A responsible Government would also, no doubt, be open to serious objections in the first stage of the colony. But there was a middle way—a kind of intermediate Government, such as there was at Natal. If his noble Friend, however, looked at Natal, he would see how extremely difficult it was to govern a colony like this upon that principle; and though they might, after a time, give a sort of representative institutions, the experience which they had had upon the subject was by no means encouraging. It might be said that it was easy to raise difficulties; but this was the time for raising difficulties, and some of those difficulties certainly were present to his own mind when he drew up the Instructions to the Commissioners; and those Instructions showed that the Government did not undervalue the difficulties in their way. If this session were accepted he hoped there would be conditions, which should be drawn up in the most careful and explicit manner. He hoped the Government would see that the conditions, providing for what they considered right, were plain and simple; for this was a matter in which, when steps were once taken in which the honour of the Crown and the character of the country were engaged, there could be no step backwards. He was, therefore, glad the Government had taken the prudent course of employing that very distinguished officer, Sir Hercules Robinson to make the necessary inquiries as to the state of feeling in the Islands. And he hoped they would leave him so far unfettered by his instructions that if he could not report that the arrangement might be well carried into effect, the Government would not feel themselves obliged to accept the session.

*The Earl of Kimberley*

THE EARL OF CARNARVON said, it was very advantageous that a difficult question like this should be subjected to fair and impartial criticism; and certainly there was no one more fitted, from his personal character and political experience, to do this than his noble Friend the late Foreign Secretary. For his own part, he must say that the institution of a Crown Colony was the only way of dealing with the difficulties that existed. Upon the whole, however, he was inclined to believe that those difficulties were less than supposed. He admitted that it would be a very hard and difficult task to hold the balance equally between the small body of White settlers and a large body of Natives, but for that very reason he thought a Crown Colony was the only form of Government under which justice could be done, and the interests of both parties consulted. As regarded the cession itself, he could only repeat that the position was this—that the Government were prepared to accept it if it were untrammelled by conditions which they considered objectionable. At the present moment, however, he might say that there was no cession at all. The inhabitants of Fiji would have full notice, with full opportunity of reconsidering their position, and putting the offer in such a form that the Government might accept it; but until Sir Hercules Robinson had discharged his mission, certainly he was not in a position to say that the cession had been accepted.

EARL GRANVILLE thought it very important that the Government should not be in any hurry in this matter, which was one the country had not yet had time to consider. Their Lordships had not yet had the opportunity of considering the Report which had just been placed in their hands—they had, indeed, as yet only heard what was to be said in favour of annexation. It was a very great responsibility to be under, and whether the step were right or wrong, it certainly would have been better that some public discussion should have taken place before the Government formed any final determination on the matter. He did not even now quite understand the state of matters. Was Sir Hercules Robinson empowered to carry out finally and formally an unconditional cession? Because if that was the case, surely more time ought to

have been given for consideration, especially as their Lordships had only had the Papers in their hands a few hours. It was impossible to have listened to this hasty conversation, and to have heard what had been advanced *pro* and *con* without feeling that there was much to weigh and consider. He repeated he thought this a matter for mature and very grave consideration. He feared they were taking something like "a leap in the dark" at a very long distance indeed; and the Government should not act hastily, but give more time for consideration.

#### CONTAGIOUS DISEASES (ANIMALS). QUESTION.

LORD EMLY asked the Lord President, Whether it is intended to carry out in Ireland the recommendations of the Select Committee of the House of Commons on the Contagious Diseases (Animals) with regard to pleuro-pneumonia? There was great need for action in this matter. Out of 97 cases of pleuro-pneumonia which had occurred in Norfolk, 33 were cases which had occurred within the last two months, and many of them came from Ireland. Many districts of Ireland depended as much on cattle as Manchester did on cotton, and any outbreak of pleuro-pneumonia in that country would reduce a large portion of the inhabitants to great loss and misery. The Committee of last year—a most competent Committee—recommended unanimously that the law as to compensation should be changed where beasts were slaughtered on account of pleuro-pneumonia, and he wished to know whether the Government were prepared to take steps to carry out that recommendation. It was absolutely necessary that sufficient compensation should be given, because it would be impossible to detect the presence of the disease unless it was made the interest of the persons whose cattle were affected to give information at the earliest stage. In the next place, the Committee recommended that the slaughtering of the diseased cattle should be compulsory, and that isolation should be strictly enforced. The recommendations of the Government had been carried out in England and Scotland, but not in Ireland; and the reason given for not carrying them out in Ireland was that the

compensation for slaughtered cattle would have to come from a different source from what it did in England—namely, a national rate; because the law would have to be enforced by an officer of the central Government, whereas in England it was enforced by the county police, and the compensation came out of the county rate. In Ireland he thought the security for the enforcement of the law was probably greater than in England, because the Irish constabulary were distributed all over the country, and were directed by the central Government, to whom any neglect of duty would be at once reported. He hoped the noble Duke opposite would be able to inform them that the regulations now in force in England and Scotland would be applied to Ireland, and that in accordance with the recommendations of the Committee, founded on the evidence of all the witnesses, the compensation to be given should be increased to two-thirds or three-fourths of the loss to the person whose cattle were slaughtered. His experience justified him in saying that there was an unanimous feeling in favour of these steps being taken to check the spread of so serious an evil as pleuro-pneumonia in Ireland.

THE DUKE OF RICHMOND said, he was very sorry not to be able to give the noble Lord so satisfactory an answer as he desired to receive. He admitted the very great importance of the subject, and the necessity of taking any practicable steps to check the spread of pleuro-pneumonia, but he was surprised to hear that its ravages were so great in Ireland as the remarks of the noble Lord indicated. [Lord EMLY did not say it existed now.] Well, but its existence would be the natural ground for asking that stringent measures should be adopted; and if the ravages in Ireland were not equal to the ravages in Great Britain, where was the basis of demand for equal treatment? The fact was that pleuro-pneumonia did not at the present moment exist to any great extent in Ireland, and therefore the Government were not prepared to carry out the same stringent regulations which were in force in England and Scotland. In reference to what had been said about 33 cases in Norfolk having come from Ireland, he was informed by the authorities in Ireland that animals were branded before they

left that country, so that if they were found to be affected with disease, the farm from which they had come would be known at once from the brand; and very few animals had been reported as developing the disease after leaving Ireland. In the month of June, in Ireland, there were outbreaks upon 98 farms, and in the same month, in England, upon 313 farms; there were 114 animals attacked in Ireland, and 801 in England; and the cattle population of Ireland was 4,486,453; while that of England was 5,564,549. In Ireland two animals out of 1,000,000 were attacked, and in Great Britain 10 out of 1,000,000; so that the excess in Great Britain was something like 5 to 1. The Irish Government, therefore, were not under these circumstances, prepared to adopt stringent measures. For himself, he believed the different position of Ireland in regard to its police was a difficulty rather than assistance in assimilating the practice of the two countries. The police were the last men to be entrusted with the duties of inspection, and there would be a difficulty in finding properly qualified veterinary Inspectors. A farmer would be tempted to report that an animal, not the most valuable on his farm, was attacked with pleuro-pneumonia, for the purpose of getting it destroyed and receiving compensation; and as it would come out of a national rate there would be nobody in the immediate locality interested in seeing that the case was a *bond fide* one and that the country was not imposed upon. No doubt, if the ravages of pleuro-pneumonia were to increase in Ireland, the Government would do something more; and they had their attention fully fixed upon the subject. A Bill had passed both Houses enabling money to be raised for the purpose of compensating owners of cattle compulsorily slaughtered, but until the disease assumed larger proportions than it had at present attained, he did not think that the Irish Government were prepared to undertake compulsory slaughter.

THE EARL OF KIMBERLEY differed from the noble Duke. He thought the facts stated by his noble Friend (Lord Emly), afforded the strongest reasons for immediate action on the part of the Irish Government. The very time to extirpate disease was when the cases were few, by waiting they only increased

the final difficulty ten-fold. When he was in Ireland, as Lord Lieutenant, the Cattle Plague was raging in England, and it was upon his advice that compensation to be paid to Irish farmers was to be made out of the general funds; but he agreed that as regarded losses from pleuro-pneumonia, compensation should be provided by the baronies and districts in Ireland. He hoped that the Government in Ireland would give their serious attention to this subject. They should not be deterred by the fact that there were no veterinary surgeons, because they would appear if they were well paid for their services. He considered that the same laws in this respect should be applied to England, Ireland, and Scotland, for he regarded the present state of things as one of national concern.

#### INTOXICATING LIQUORS BILL

(The Lord Steward.)

(NO. 176.) THIRD READING.

Bill read 3<sup>a</sup> (according to Order) with the Amendments.

THE BISHOP OF LONDON rose to move an Amendment, that the time for closing public-houses on Sunday nights in the Metropolis be altered from 11 to 10. He regretted that he should have been prevented by circumstances over which he had no control from moving that Amendment at an earlier stage of the Bill. He was unable to understand why in this matter the Metropolis should be dealt with in a manner different from that which was thought best for all other places throughout the country, however populous they might be. Was there any necessity for public-houses to be open until 11 o'clock in the Metropolis, when 10 o'clock was sufficient for the wants of the people elsewhere? He could not see why there should be any difference, or that there were any circumstances to justify such a course. The noble Earl (Earl Beauchamp) had said that a large number of persons generally went into the country on Sunday, and that they required refreshments on their return to the Metropolis. That might be quite true; but he was not aware that these persons were in the habit of making excursions to places where refreshments were not to be had, and he knew that on their return to London they did not always present the appear-



ance either of persons requiring refreshments or of *bond fide* travellers. There were, no doubt, numerous excursionists on Sunday; but he ventured to say that the proportion of excursionists from London on that day was much less than that from many of the large towns and other populous places throughout the country—amongst which he might mention Birmingham, Leeds, Manchester, and Sheffield. Again, it was said that persons attending Divine Worship on Sunday evenings sometimes required refreshments afterwards, and that, therefore, public-houses must be kept open for their accommodation. That position, he thought, was not meant to be serious: the services of the churches and chapels of London were generally over at 8.30; and he was not aware why public-houses should be kept open to 11 o'clock. He thought that 10 o'clock would be a sufficiently late hour. The noble Duke had used strong arguments in favour of keeping the houses open to 11; but there were very strong arguments against it. With regard to the wants of the labouring classes, his opinion was that they were not different from those of the same class in the large towns; and he did not believe that the people of London required to have the public-houses kept open later than those of other large populous places. With respect to Petitions, a very large number, most numerously signed, had been presented in favour of closing the public-houses uniformly at 10 o'clock, and praying, not only for a limitation of time, but for restriction of the sale of intoxicating liquors on Sundays. He asked their Lordships to consider the position and case of the servants engaged in the trade. His right rev. Brother (the Bishop of Peterborough) said in the debate the other night that the word "licence" implied restriction; but in the publican's case there were two species of restriction—the one, that he must keep his house open to a certain hour, and the other, that he must not close it before that hour. Under the proposed arrangement the publican closing at 12.30 and opening at 5 o'clock in the morning would have only 4½ hours for rest; and the same would be the case in respect to the barmaids and other persons in his employment. To the publican, Sunday was no day of rest. He certainly had some hours of rest on that day, but they

were very limited, and here the Bill proposed to take from him another hour. He was not entirely speaking from imagination on this point, inasmuch as he had received a letter from a missionary who laboured chiefly among the publicans, and that gentleman informed him that it was the general desire to shut their shops on the Lord's Day, and that where they could not do that they were of opinion that by keeping open from 1 to 2.30 p.m., and from 8 to 10 in the evening, they would be able to satisfy the legitimate wants of the public. There were, it was calculated, 50,000 persons in the Metropolis employed directly and indirectly in the sale of intoxicating liquors. Those persons all through the week worked on an average 19 hours a-day, and they had only some seven hours' rest on Sunday. He hoped, under those circumstances, their Lordships would make the small concession of substituting 10 o'clock for 11 o'clock as the hour of closing on Sunday evenings. It would remove a great deal of unnecessary temptation, and give a wholesome rest to an overworked portion of Her Majesty's subjects.

An Amendment moved in Clause 3, p. 1, line 25, to leave out ("Eleven") and insert ("ten"). (*The Lord Bishop of London.*)

EARL BEAUCHAMP regretted that he could not accede to the right rev. Prelate's appeal. It was necessary that there should be a difference made between Sunday and the week-days in respect to the hours of closing, and the Legislature fully recognized the right of the publican to rest and relaxation. He did not deny that if they were dealing with an ideal state of things the Amendment might be accepted; but they had to deal with hard facts, and the experience they had had of the riots in Hyde Park, when Parliament closed the houses at 10 o'clock on Sunday nights, was a warning to them not to impose undue restrictions on the habits of the people. In 1868 a Select Committee of the House of Commons fully inquired into the subject, and took a vast quantity of evidence in reply to 8,808 Questions, and the Committee, without naming any hours, reported that all such legislation had a tendency to create discontent and to lead to evasion. The present measure was framed with a full know-

ledge of the opinions that had been expressed for and against its provisions, and, as their Lordships knew, the habit and manners of the people of London were much later than those of the inhabitants of other places. Because one or two Sunday excursionists might, on arrival in the Metropolis, exhibit signs of inebriety, that was no reason to suppose that all the others had largely availed themselves of the opportunities of refreshment presented to them as *bond fide* travellers while in the country. Under those circumstances, he hoped their Lordships would maintain the clause as it stood.

*Amendment negatived.*

*Amendments made; Bill passed, and sent to the Commons.*

House adjourned at a quarter before  
Nine o'clock, to Monday next, a  
quarter before Five o'clock.

## HOUSE OF COMMONS,

*Friday, 17th July, 1874.*

The House met at Two of the clock.

MINUTES.]—NEW WRIT ISSUED—*For Stroud, v. John Edward Dorington, esquire, void Election.*

SUPPLY—*considered in Committee—Committee—R.P.*

PUBLIC BILLS—*Resolutions in Committee—Endowed Schools Acts Amendment [Salaries]\*; Supreme Court of Judicature Act (1873) Amendment [Consolidated Fund]\*; Royal (late Indian) Ordnance Corps [Compensation]\*.*

*Resolution [July ] reported—Land Titles and Transfer [Salaries, &c.]\*.*

*Ordered—First Reading—Private Lunatic Asylums (Ireland)\* [215].*

*First Reading—Elementary Education Provisional Order Confirmation\* [214].*

*Second Reading—Local Government Board (Ireland) Provisional Order Confirmation\* [207]; Foyle College\* [208]; Local Government Board's Provisional Orders Confirmation (No. 5)\* [209].*

*Report of Select Committee—Merchant Ships (Measurement of Tonnage)\* [No. 309]. Committee—Public Worship Regulation [176]—R.P.*

*Committee—Report—Boundaries of Archdeacons and Rural Deaneries\* [143-212].*

*Report—Merchant Ships (Measurement of Tonnage)\* [148-213].*

*Considered as amended—Shannon Navigation\* [189]; Legal Practitioners\* [24].*

*Earl Beauchamp*

*Third Reading—Local Government Board's Provisional Orders Confirmation (No. 4)\* [194]; International Copyright\* [197]; Elementary Education Provisional Order Confirmation (No. 2)\* [192]; Infanticide\* [200], and passed.*

*Withdrawn—Agricultural Labourers Dwellings (Ireland)\* [73].*

### POST OFFICE—DOLGELLY POSTAL DISTRICT.—QUESTION.

MR. HOLLAND asked the Postmaster General, Whether any steps have been taken towards facilitating the transmission and delivery of letters in the Dolgelly Postal District?

LORD JOHN MANNERS, in reply, said, he was now in communication with the authorities of the Great Western Railway on the subject, and could not yet give a definite answer to the Question.

### EGYPT—OUTRAGE ON BRITISH SUBJECTS.—QUESTION.

MR. H. B. SHERIDAN asked the Under Secretary of State for Foreign Affairs, Whether his attention has been called to the attempt to murder an English gentleman named Clarke, one of the officials of the Telegraph Company in Egypt, and a Mr. Charles Edward Hamilton, another English gentleman who happened to be passing the place where the attack was made upon Mr. Clarke, and who, attracted by his cries and the sound of blows, went to his assistance; whether, if his attention has been called to the circumstance, he can state whether it is true that these two gentlemen were beaten with a *Narbote* and with sticks for two or three hours, and then were dragged by ropes the distance of a mile to the nearest tree, with the view of being hanged, but that the rope breaking they were dragged on to the village of Sherwida; whether it is true that the band of Arabs committing this outrage was headed by Osman Abassa, the first cousin of the Viceroy of Egypt, son of a Minister of Finance, and Governor of the Land of Goshen, one of the richest provinces in Egypt; whether he has heard that upon reaching the village, Osman Abassa set the whole population upon these two gentlemen, who, bound and almost insensible from blows, were exposed to every conceivable outrage until the arrival of Greek and French armed assistance;

whether it is true that upon these gentlemen being conveyed by these armed rescuers to the town of Zagazig, the telegraph messages sent on 25th November, 1873, to General Stanton, Her Majesty's Consul General in Egypt at Cairo, a distance of only two hours by rail, remained unreplied to for three days, and that no messenger or visitor ever came from the Consulate at Cairo during the whole time (over three months) that Mr. Hamilton lay in an almost hopeless condition at Zagazig; and, whether any money compensation has been raised in the locality in which the outrage took place; and, if so, how much, and to whom has it been paid?

**MR. BOURKE:** Sir, the attention of the Secretary of State for Foreign Affairs has been called to this case, the facts of which are not, however, correctly represented in the Question. As the transaction in question is of some importance, I have had a statement relating to it drawn up, which I will read to the House. Mr. Clarke and Mr. Hamilton, who were staying with him, were out shooting together near Sherwida, when the former fired at a squirrel in some maize. The shot wounded a girl, and some Arabs came up and maltreated them. They were taken to the village and there released. The attack was made by the peasantry, not by any relative of the Khedive. General Stanton, Her Majesty's Agent and Consul General, received a telegram the same evening at midnight stating what had occurred, and at 7.30 next morning telegraphed to the Acting Consul at Cairo to attend to the matter. He reported that the local authorities were inquiring into the case and three of the offenders had been arrested. M. Felice, the Acting British Vice Consul at Zagazig, being engaged in watching the proceedings. No time was, therefore, lost by the British Consular authorities in seeing that justice was done. Subsequently, the offenders were tried. One was condemned to eight months' hard labour, two others to six months' hard labour, another to three months' imprisonment, another to two months' imprisonment, and the guards of the village to one month's imprisonment. No fine was imposed on the locality. Mr. Hamilton had expressed himself satisfied with the sentences, except with that of the chief offender, and, under the

circumstances, Lord Derby informed him, on the 23rd of May last, that Her Majesty's Government cannot give their support to a claim which he has advanced against the Egyptian Government for compensation.

#### EDUCATION DEPARTMENT—AGRICULTURAL CHILDREN ACT. QUESTION.

**MR. PELL** asked the Vice President of the Council, with reference to the eleventh Clause of the Agricultural Children Act, enabling children to go to work, Whether such timely instructions will be given to Her Majesty's Inspectors of Schools as will ensure the obtaining from them or from persons deputed by them, before the close of this year, the requisite certificates, without which children who have previously reached the fourth standard of education may, on and after January 1st 1875, be prevented taking employment in agriculture; further, in the case of outdoor pauper children, whether the Vice President of the Council will state if any and what arrangements have been made for the examination of such children, so that where a child shall have reached the requisite standard of education, he and those concerned may be enabled to take advantage of the provisions of the third Clause of the Elementary Education Act, 1873; and whether, in cases where Her Majesty's Inspectors of Schools decline to give to managers of voluntary schools on application the names of those children who have reached the different standards, although such information is given by the Inspectors in the case of Board schools, the Vice President of the Council would direct such information to be given when needed for the purposes of the Agricultural Children Act and the Elementary Education Act, 1873?

**VISCOUNT SANDON:** Sir, the Education Department will furnish to the managers of any school who forward a list of children on whose account certificates are required under the 11th section of the Agricultural Children Act, a statement of the results of the examination of such children in the Fourth and higher Standards. The Department examines only those children who attend public elementary schools in receipt of annual grants. In districts under school boards

arrangements have been made for granting certificates on behalf of all children who pass the examination prescribed, for either total or partial exemption from school attendance. These Standards are fixed by the bye-laws of each school board, and being generally either the Third or some higher Standard, the certificates in question, which are granted to children either in Board schools or voluntary schools, will be available under the 3rd section of the Act of 1873. In other districts the Department have suggested to the Local Government Board, with whom the administration of this section rests, that the guardians should accept a certificate of a child's having reached the Third Standard of the Code from—(1), any teacher of a school under the management of the Guardians who holds a certificate of efficiency or competency from the Local Government Board; or (2), from any certificated teacher of a public elementary school in the Union under the inspection of the Education Department. The managers of any school may, on payment of a fee of 2s. 6d., obtain a copy of the examination schedule, showing the results of the examination of every child in their school. It is left to the discretion of the Inspectors whether they will furnish to the school managers a list of the children who reached the different Standards prescribed by the Code; but the Department would view with great displeasure the proceedings of any Inspector who gave information to one class of schools which he withheld from another class.

#### ARMY—ROYAL (LATE INDIAN) ORD- NANCE CORPS [COMPENSATION].

##### QUESTION.

COLONEL JERVIS asked the Under Secretary of State for India, Whether the noble Lord will lay a Copy of the General Order of the India Office of August 15th, 1872, referred to by him on the 15th instant, upon the Table of the House, as well as a Return of Majors of the Artillery of the late East India Company's Service who have retired since July 5th, 1872, stating the amount of full pay, if any, granted on such retirement?

LORD GEORGE HAMILTON, in reply, said, he had no objection to lay on the Table of the House a Copy of the Papers referred to by the hon. and gallant Member.

*Viscount Sandon*

#### ARMY—RETIREMENT OF INDIAN OFFICERS.—QUESTION.

COLONEL JERVIS asked the Secretary of State for War, Whether it is true that Majors of the Royal Artillery, now on service in India in command of batteries, do not receive the pay of their rank; and, if so, whether the subject has ever been brought to the notice of the Secretary of State for India by the War Department?

MR. GATHORNE HARDY, in reply, said, it was the fact that Home Officers of the rank mentioned by the hon. and gallant Member did not receive the pay of their rank. The Secretary of State for India was, he might add, aware of the circumstances at the time of the passing of the Act, and had been so since. In consequence, however, of the short Notice he had of the hon. and gallant Gentleman's Question, he had not been able to communicate with his noble Friend at the head of the Indian Department, to ascertain from him what was the state of things at the present moment.

#### PUBLIC WORSHIP REGULATION BILL— [Lords].—[BILL 176.]—COMMITTEE.

(Mr. Russell Gurney.)

Order for Committee read.

MR. LOWE, in rising to move—

"That it be an Instruction to the Committee that they have power to make provision for extending the said Bill to all offences by clerks in Holy Orders against the Law Ecclesiastical, and to repeal the Act 3 and 4 Victoria, cap. 8, for better enforcing Church Discipline."

said, that he wished to state briefly the reasons why he thought it would be wise that the House should adopt his Motion. The object was to provide for bringing under the procedure contemplated by the Bill, the whole, instead of a part only, of the law ecclesiastical. There would, no doubt, be considerable difference of opinion manifested in the course of the debates on the Bill, but he thought they were all agreed in thinking that the procedure under the Church Discipline Act (3 & 4 Vict. c. 86) was the very worst possible, and that the procedure contemplated by the present Bill was a most immense improvement upon it. The right hon. and learned Recorder had argued in favour of the measure, on the ground of the great superiority of

the procedure it proposed; and those who objected to the Bill had done so on the same ground, maintaining that the procedure would give undue facilities for the enforcement of the present law, and would, consequently, have the effect of interfering improperly with individual liberty. All, however, were agreed that the procedure in the Act was about as bad as it could be, and that the procedure under the Bill was about as good as it could be. An examination of the Church Discipline Act justified that conclusion. Under the Act 3 & 4 *Vict.* c. 86, the Bishop, in the first place, was made a sort of grand juror, empowered to decide whether a prosecution should be held or not. That was a reasonable and just provision, because it was necessary that some one should be entrusted with the power of stopping proceedings on matters of detail which need not be discussed in Court at all. So far the procedure was right; but from that point there was not a single step which was not a gross and obvious error. The Bishop having, as a sort of grand juror, committed himself, as against the accused, to an opinion of the case, was, as prosecutor, immediately made a party to the suit. He got security for costs, while the same advantage was denied to the person accused. A grosser violation of the rules of ordinary procedure could hardly be imagined. But the next step was even worse. The Bishop, although a party to the suit, had to name five Commissioners, whose duty it was to find out whether the accused was guilty or not. Worse still, when the case had been heard and decided by the Court whom he had himself appointed, the Bishop was called upon to give judgment, with the assistance of assessors, whose opinion, however, he might entirely overrule if he thought fit to do so. The crowning step, however, of all this was, that not only was he the grand jury, a party to the cause, and—inasmuch as he appointed the tribunal—the Sheriff, and *quasi* Judge, but he was also made executioner; and executioner, too, before the judgment had been ascertained; for, if he thought it necessary, he might at once, without waiting for the decision, turn the accused man out of his living, and appropriate funds for the payment of the person put in his place. That, however, was not all; for as the man who came under the operation of the Act might have a double

trial, so he might also have a double appeal—the first to the provincial Court, and the second to the Queen in Council; and, as it was no part of the duty of a Bishop to be acquainted with the law, it might happen that one set of principles would rule in the earlier stages of the cause, and quite a different set of principles in the later. Such was the present state of the law; and it was hard on the Bishop, on the person accused, on the public at large, and on the members of the Church, whose interest it was that good discipline should be preserved by there being an easy, fair, and gentle means of dealing with offences against the ecclesiastical law. Now, the present Bill did away with all these evils and complications, and it proposed a procedure which was as good as human ingenuity could devise in place of a procedure which was the worst that could be imagined. The next question was, what would be its effect if passed into law? For the purpose of argument, he would divide the ecclesiastical law roughly into form and substance—form embracing all matters of detail, such as vestments, ornaments, and Ritual; and substance, questions of morality, and the teaching of the doctrines of the Church of England. The effect of the Bill would be to give a good procedure for the trial of questions of form, and a bad one for questions of substance. The Preamble of the Act of Uniformity gave a perfect definition as to the essence of an Established Church. It was, in effect, that there should be uniformity, decency, and propriety in the conduct of the services. Another matter connected with the importance of form was—and he hoped he would not be taken as attaching too small importance to it—that as long as we retained an Establishment—which he trusted we long should—it would be necessary to secure, on the part of the clergy, that they should be required to agree with the rubric, and to profess assent and consent to everything in the Book of Common Prayer, and the directions contained in it; and that had the effect of operating most powerfully in preventing many persons from becoming ministers of the Established Church. Unless we provided a good and efficient means of enforcing uniformity in matters of form, we should continue to exclude those persons who wished to become ministers, but who would not undertake

to conform strictly to the rubric. At the same time we should continue to allow ministers inside the Church to do certain things which if permitted to those other persons outside would not have prevented them entering the Church. So that a great injustice and inequality existed. Thus we had two weights and two measures, one for those inside the Church, the other for those without the Church; and unless we could reduce the two to one, we were guilty of great unfairness and injustice. It came, therefore, to this—that when the Bill passed, the weighty matters would be dealt with by a bad and unworkable procedure, while minor questions would be dealt with by an easy and good procedure. He would rather invert the order, and say that the weighty questions should have the good, and the lighter ones the bad procedure, unless they could contrive to obviate the difficulty in some other way. The good procedure was to be applied in the case of a clergyman who used a garment too much or a garment too little, or who turned towards one point of the compass instead of towards another, matters in which the offender might yield without a loss of self-respect; while the bad procedure was to be employed in the case of a man charged with drunkenness or incontinency, in regard to which he was obliged to defend himself to the uttermost, and the trial for which would probably lead to his temporal ruin in a pecuniary sense, although he might come out ecclesiastically pure. These considerations led him to ask whether it was necessary to divide ecclesiastical offences in this manner, and whether the improved procedure could not as readily be applied to the one class as to the other? He wanted to know why the House could not set aside all the difficulties they were involved in and deal with the whole of the ecclesiastical law under the same procedure and under the same Judge. What mischief, he asked, could possibly arise from such an arrangement? If adopted it would do away with all the anomalies he had mentioned, and it would be a very serious and a large improvement in the law. It would have this further advantage—It had been broadly stated in the course of the debate on the Bill that the object of the measure was to put down Ritualism. He was as little a friend to Ritualism as any

hon. Gentleman in that House, and he admitted the necessity of carrying out the will of the House, so emphatically expressed with regard to the matter, indeed he would go to any extent in having that will enforced; but at the same time he thought they ought to avoid perpetuating the memory of their present heats and passions on the subject in a Bill which, while it might effect an improvement in procedure, was really a measure levelled directly against a particular class of offences. Therefore, he suggested that the House would do wisely by forbearing, in the whirlwind of their passion, from pointing more distinctly to the special class of offences that were most in their minds than they did to other classes, and by placing all offences against the ecclesiastical law under one procedure. He apprehended that no hon. Gentleman in the House wished that if any offence were committed against the ecclesiastical law, besides the offence mentioned in this Bill, it should remain unpunished; and if it was to be punished, it should be tried with the least possible expense and delay to any of the parties. As to the objection which had been made to the salary proposed to be given to the Judge, he could not join in the cavil about paying £3,000 a-year for his services; while as to his being only partially employed, surely that objection would be extremely modified if the system which he (Mr. Lowe) proposed were adopted, and the Judge dealt with the whole of the ecclesiastical law at once, instead of with mere shreds and patches of that law. On those grounds, and not with the least wish of impeding the progress of the Bill, he begged to move the Resolution of which he had given Notice.

MR. J. G. TALBOT, in seconding the Motion, said, he was afraid that the most able and exhaustive speech of the right hon. Gentleman the Member for the University of London had left him little to say. But one thing he would mention before he sat down. In the Bill, it was proposed to provide a Judge for the purpose to which the Bill related, and that Judge was to have a salary of £3,000 a-year. He did not grudge the salary of £3,000, but, as he had already said, and as he would say again if necessary, he did grudge the source from which that salary would come. As had been said by no less an

authority than the Prime Minister, and by the hon. Member for Berkshire (Mr. Walter), in his able speech on the subject, the House was now asked to legislate concerning a mere handful of men. The three great parties into which the Church was divided were the High Church, the Low Church, and the Broad Church. He did not imagine that it was the members of any these parties who were aimed at by this legislation; but the House was determined to enforce the law upon those few individuals who were accustomed wilfully to break it. In that determination he concurred; but he thought that the House should ascertain the law before, they attempted to put down these law-breakers. Out of that handful, he believed the House might subtract a certain number. A certain number would break the law as long as the law was uncertain; but he had such confidence in the loyalty of the English clergy, that he believed as soon as the Bill was passed—nay, even as soon as the House had spoken, as it spoke on Wednesday last, a great proportion of that small handful would obey the law. He believed the residuum was very small. For that very small residuum the House was asked to appoint a Judge at a salary of £3,000 a-year. That was very bad economy. It was a waste of the public money. If the House, however, would agree to the proposal of the right hon. Gentleman, the Judge might have something to do; because as long as human nature remained what it was, it could not be doubted that the ecclesiastical law would be broken just as the civil law was broken; and if the Judge to be appointed was to have the whole administration of the ecclesiastical law, he (Mr. J. G. Talbot) thought the salary was not extravagant. But he trusted the House would pause for a moment before they passed a Bill which dealt only with one branch of the ecclesiastical law, and left the other untouched.

Motion made, and Question proposed,

"That it be an Instruction to the Committee, that they have power to make provision for extending the said Bill to all offences by Clerks in Holy Orders against the Law Ecclesiastical, and to repeal the Act 3 and 4 Victoria, cap. 8, for better enforcing Church Discipline." — (*Mr. Lowe.*)

MR. RUSSELL GURNEY said, although he agreed with almost the

whole of the speech of the right hon. Gentleman the Member for the University of London, yet it must be remembered that this was the 17th of July. That must be his answer to the right hon. Gentleman's Motion. If it was February, instead of July, he would most heartily support the proposal of the right hon. Gentleman; but it was too late to deal that Session with that proposal, and it was important that the measure should be carried this Session. The Bill which was introduced two years ago by the Home Secretary, and other Bills of the same description, were not carried, because too much was attempted. No doubt, this was a comparatively small measure, and dealt only with a small portion of the law; but he thought the great body of the House had significantly shown their feeling as to the importance of it, and that the passing of it should not be endangered by attempting to enlarge its scope. With regard to the salary of the Judge, the Bill provided that, upon the offices of Dean of the Arches and Official Principal becoming vacant, that Judge should discharge the duties belonging to them, so that he would have more to do than some hon. Members supposed.

MR. GATHORNE HARDY said, that during the first discussion on the Bill, he insisted on the point which had been taken to-day by his right hon. Friend opposite (Mr. Lowe), in the form of an Instruction, and he could not help thinking that if his right hon. and learned Friend (Mr. Russell Gurney) or those who had originated the Bill in the other House had introduced it as an Amendment of the ecclesiastical procedure throughout, a great deal of the heat of these discussions would have been avoided. His right hon. and learned Friend had placed on the Paper a very conciliatory Amendment, to the effect that the Bill should not come into operation until the 1st of July next year. The Judge to be appointed under this Bill would in November become Dean of Arches, and probably Provincial Judge of the Province of York. He hoped his right hon. and learned Friend would state whether he would undertake to introduce at the beginning of next Session, a Bill providing that the procedure adopted in regard to these special offences should be

extended to all other ecclesiastical offences. If such an undertaking was given, the passing of this Bill would be greatly facilitated.

Mr. RUSSELL GURNEY said, he was prepared to state, that if no one else of more importance than himself should propose such a Bill next year, he would be perfectly ready to do so.

Mr. DODSON said, the question whether the Bill could be extended from form to substance depended not on the fact of that being the 17th of July, but on the will and pleasure of Her Majesty's Government. If the Government gave their support to his right hon. Friend's Instruction, such an extension could be made, and the Bill passed in the present Session.

Mr. NEWDEGATE thought the Bill should be extended to the wider area proposed, and that it should be applicable to all offenders against ecclesiastical doctrine. However, the House of Lords had limited the Bill to its present scope, and even if Her Majesty's Government afforded the House an opportunity of extending the Bill in the way proposed by the Instruction, it was hardly probable that the other House would agree to such an extension. The measure was aimed exclusively at one particular class of offenders. It happened that in the course of his life he was never concerned personally in more than one trial in the Ecclesiastical Courts. That was a suit which he instituted against a clergyman who held ultra-Calvinistic and Supralapsarian doctrines. The clergyman had refused to prepare the children of his parish for confirmation, but the curate did so, and the Bishop confirmed them. Then, the clergyman said, that because they had been confirmed they were doubly children of hell. He was informed that he could not hope to relieve the parish of this clergyman at a less cost than £2,500. That expense he was prepared to incur, but he was informed by the Bishop that if he agreed to pay the clergyman's debts, amounting to £700, he might induce him to resign the living. Accordingly, he paid off the clergyman's debts; but he would ask whether that was a decent condition of the law. That case would have been comprehended in this Bill.

Mr. BRISTOWE thought the Instruction proposed by his right hon.

Friend the Member for the University of London would, if carried, have the effect of expediting rather than of retarding the progress of the Bill, because its adoption would cause a large number of Amendments already proposed to fall to the ground. He had looked very carefully into the Bill, and he protested he could find in it nothing that touched the law relating to ecclesiastical offences. He should be sorry to see the Bill endangered; but he still thought it might be so improved as to command the confidence of clergy and laity throughout the country.

Mr. BÉRESFORD HOPE: After the direct appeal which has been made to me by my hon. and learned Friend, I hope the House will allow me to assure him that he has fully and correctly represented me. The House knows very well that I have never concealed my opinion that this Bill was a hastily-conceived one; but after the debate of Wednesday last, I came to the conclusion that, rightly or wrongly, the House had determined to pass it this Session. I have accordingly gone very carefully through the Amendments upon the Paper, and I was surprised to find how short and few these were, which would alter the Bill into the shape proposed by the right hon. Gentleman the Member for the University of London; but, more than that, as the hon. and learned Member who spoke last pointed out, not only are those Amendments few, but they sweep away an enormous number of others which belong to the Bill as it stands. The adoption of the right hon. Gentleman's Instruction might cost us, at the outside, an additional day's sitting; and, then, what should we gain for it? A great deal of the heat which has been generated and no little of the sense of grievance which has rankled throughout the country, as I can personally testify, and as it was so well put forward by the right hon. Gentleman, has arisen from the fact that many clergymen did feel that, whether the new procedure was right or wrong, wise or unwise, it was hard lines to come down upon them with a penal Bill relating to differences of Ritual, and to leave grave moral offences untouched. If you alter the Bill in the way proposed, you would be just as well able under the altered Bill to come down upon Ritualism, whatever that may mean. For I

*Mr. Gathorne Hardy*



own that I am one of those who never knew what Ritualism was. I say this very seriously. I never did understand it, nor do I understand it now. I fully acknowledge that there are excesses of worship, to which I am as much opposed as the hon. Member for North-east Lancashire (Mr. Holt); but there are, on the other hand, certain ornate forms of worship which some men like and others do not, but which it is very unfair indeed to class with those particular excesses. Whatever else they may be, they are not contraventions of the rubric, but an earnest effort to use it to the fullest extent. The world terms proceedings which stand in the first category ritualistic, and the same word is also applied by those who have little love for the settled order of the Church to those in the second class; but, while this ambiguity continues, and until we are furnished with an intelligible definition of Ritualism, I really do not know what the word means. That, however, is by the way. The irritation would be removed if you made this a Bill for the Amendment of Ecclesiastical Procedure generally. You would want but little time for the work, and your gain will be that you pass a measure which will produce a contented instead of a discontented feeling among a large class of persons whom it is well at least to keep in good humour if you wish to make your legislation felt and obeyed.

MR. HORSMAN said, that the right hon. Gentleman the Secretary of State for War had made a suggestion, and from the manner in which it had been responded to by the right hon. and learned Recorder, he thought the matter might be disposed of in a way that would be agreeable to his right hon. Friend who had moved the Instruction. The right hon. and learned Recorder had consented that the operation of the Act should be put off until July next, a pledge being given that another Bill should be passed before the 1st of July, dealing with the questions raised by the Instruction of his right hon. Friend, so that the two Acts might come into operation together. The question now was, whether the House should pass the Bill in the form in which it had come down from the other House, and wait until next year, with the assurance of the Recorder that he would then introduce a supplementary Bill more carefully con-

sidered, or should try to incorporate with this Bill Amendments which must be hastily and crudely made. If his right hon. Friend the Member for the London University would get up and say that he would accept the suggestion made by the right hon. Gentleman the Secretary of State for War, and agreed to by the Recorder, it appeared to him it would be generally accepted by the House, and would undoubtedly be the most convenient course which could be adopted.

MR. DISRAELI: Sir, an appeal has been made to the Government and to myself to express an opinion upon the question. I think the offer made by the right hon. and learned Recorder was made in a very liberal spirit, and the House ought to appreciate it. But the right hon. Gentleman opposite (Mr. Dodson) seems to think that it is the duty of the Government, and it is in their power, to carry the Instruction of the right hon. Gentleman the Member for the University of London into effect, if they determined to do so. I do not wish at present to give an opinion upon the policy recommended by the right hon. Gentleman the Member for the University of London. I have considered the matter while this discussion has been going on, and it is my opinion that if that Instruction be carried, there will immediately crop up upon our Paper a new class of Amendments. For instance, there will be the question as to the mode of trial of criminous clerks—whether they should be tried by a jury or not, a question which has already been debated in Convocation; but that is only one example of the class of questions which would immediately arise. Therefore, without giving any opinion myself upon the policy involved in the Instruction, I can only say, being anxious that the Bill should pass, I beg to disclaim the responsibility which the right hon. Member for Chester wishes to place upon me. I recommend the House not to adopt the Instruction of the right hon. Gentleman the Member for the University of London, although it may be founded on sound principles, and may lead hereafter to beneficial legislation, but to go as soon as possible into Committee on the Bill.

MR. W. E. FORSTER said, that two most important questions were brought before the House by the Instruction of

his right hon. Friend the Member for the University of London, an Instruction, the propriety of moving which he perfectly concurred in. His right hon. Friend had proposed that the new procedure should apply to all offences against the Church Discipline Act, and several hon. Members had followed up the suggestion, by saying how unreasonable it appeared that proceedings against Ritual should be easy, and proceedings against morals should be difficult. He entirely approved his right hon. Friend's object, though he was glad to find that the Prime Minister had suggested that it would be better to deal with the subject in another Bill on account of difficulties of detail. But there was another most important class of offences against the Church Discipline Act, offences with regard to doctrine; and it appeared to him, if the question raised by his right hon. Friend were brought before the House, they must also set about making procedure easier, in order to put a stop to offences with regard to doctrine. It was said that it was perfectly easy to define what was a breach of Ritual, but that the pulpit was a place in which great liberty and licence was allowed. He was not going to give an opinion whether there should or should not be liberty in the pulpit; but if the House were at once to determine that they should put down all offences in the pulpit that would be a very serious matter. He could not conceive anything more serious, and he was perfectly surprised that hon. Gentlemen who knew so much more of the state of the Church than he did, should think that an attempt to pass a law to that effect would be received with less fear or excitement than the present Bill. On the contrary, it appeared to him that, in almost every parish, members of the Church would be set considering whether the doctrines preached from the pulpit were or were not in accordance with those of the Church of England. This, for instance, might happen. One party in the Church which was attacked upon Ritual might avenge itself by attacking another upon doctrine. That certainly was new matter brought before the House, and every hon. Member, whether belonging to the Church or not, ought to have full opportunity of considering carefully whether the doctrines laid down in the Articles of the Church of England were such as he would wish to see en-

*Mr. W. E. Forster*

forced by more stringent regulations. That was a most important matter, and if his right hon. and learned Friend the Recorder would follow out his undertaking, he would insure for the House next year a most exciting Session, in which they would have to define what were the doctrines of the Church. ["No, no!"] It appeared to him, at all events, that they would be landed in that result, which might be a very dangerous one, and he therefore thought they should not take the course which had been indicated.

LORD JOHN MANNERS said, he did not share in the apprehensions of the right hon. Gentleman the Member for Bradford, and he believed the feeling of the House was well ascertained that the same form of procedure must be applied to all classes of offenders against ecclesiastical law. But after the conciliatory and statesmanlike answer given by the right hon. and learned Recorder, he would ask whether they were not now discussing what the right hon. Gentleman the Member for the University of London would call form rather than substance. The right hon. and learned Recorder had said, that he assented to the views placed so well before the House by the right hon. Gentleman the Member for the University of London, and that next year, he would undertake to introduce a Bill in conformity with those views. He, for one, recognizing the impartial spirit which had characterized the language and proceedings of the right hon. and learned Recorder throughout the discussion, was perfectly satisfied with the pledge he had given, and it would be a most unfortunate circumstance, after the pledge was given, if the House were now to discuss and divide upon the Motion of the right hon. Member for the University of London. His sole motive for rising was to ask the right hon. Gentleman if he would not consent to withdraw the Instruction.

MR. LOWE said, after the opinions which had been expressed, and the declaration of the Prime Minister he would not press his Resolution.

Motion, by leave, *withdrawn*.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."—(*Mr. Russell Gurney*.)

**MR. BERESFORD HOPE:** Although I shall not proceed with the Resolution of which I have given Notice, I am not sorry that I put it on the Paper, because it expresses views which I believe ought to be brought before the House at this stage of the discussion. It has been criticized for its length but a long Notice often saves the necessity of a long speech. I could have shown that there was a more excellent way of dealing with the subject than that proposed by the Bill; but the postponement of the date at which the Act is to come into operation from January to July next year, will give that time to the Church in its constituted assembly to review the rubrics for which I plead. It will also give time to Parliament, if it pleases, to enact such changes consequent on that review as may appear desirable. With this arrangement I am quite satisfied; indeed, I may claim that I have been virtually successful in the object of my Motion. I trust that neither Convocation nor Parliament will lose time in dealing with the question. I will not keep the House another minute from going into Committee; for my Resolution as it stands on the Paper sufficiently shows that the credit of having undertaken to grapple with the Ritual difficulty not by way of simple repression and sharper penalties, but through the politic course of considering the rubrics and of amending them according to the changed conditions of the times, is due in the first instance to a Conservative Government, namely to that of the late Earl of Derby, when the present Prime Minister was, as he now is, leader of this House. The Ritual Commission so appointed dates back to the year 1867, and Parliament, as I have proved, co-operated in the policy during more than one Session; Convocation also played its part, and thus both Church and State have already granted some rubrical relaxations in Acts which were unanimously passed. Parliament will now have the opportunity of completing the work so well undertaken and so unluckily interrupted.

**MR. MONK** in rising, according to Notice, to move—

“That, in the opinion of this House, it is desirable that so soon as a vacancy shall from time to time occur in the office of Vicar General and Official Principal of each of the Provincial and of the Diocesan Courts in England and Wales, the Judge to be appointed under this Act

shall become *ex officio* such Vicar General and Official Principal, and that the salary of such Judge shall be paid out of the fees now payable to the said Vicar General and Official Principal.”

said, he wished to enter his strong and decided protest against the Common Fund of the Ecclesiastical Commissioners being diverted from the purpose to which it was now devoted—namely, the augmentation of small livings—in order to pay the salary of the Judge to be created under the Bill. A somewhat lengthened experience of Ecclesiastical Courts, and of the procedure therein, had satisfied him that the present state of the Diocesan Courts, though considerably improved by recent legislation—as, for instance, by taking evidence *voir dire* instead of by depositions before examiners—was unsatisfactory and dilatory, and urgently required amendment. In some instances, the want of a speedy and inexpensive appeal to a Judge resulted in an absolute denial of justice. In others the cost was so enormous as to be ruinous to the promoter, as well as to the person against whom the office of the Judge was promoted. The real question, however, was—whence could funds be raised for the Judge's salary? In his (Mr. Monk's) opinion, the Judge would have very little work to do, and would have ample time to perform the duties of the Diocesan Chancellors, as well as of the two Provincial Vicars General. Nine-tenths of the duties of the Chancellors were of common form and ministerial only. There were 25 of these officers, whose salaries in the aggregate amounted to a very considerable sum, and whose duties were not very considerable, consisting mainly in granting faculties, attending visitations and consecrations, and in advising their respective Bishops on points of law: and yet one-third of the number were clergymen. He ventured to think it was not out of place in a Bill of this gravity to propose to replace the present holders of those offices, as vacancies occurred, by a single Judge, whose whole time would be devoted to the ecclesiastical business of the country. If Parliament, in its wisdom, thought fit to abolish their offices as vacancies occurred, he should, as one of them, be ready most cheerfully to surrender the jurisdiction he had hitherto exercised in ecclesiastical causes, in the same way as he had previously surren-

dered his jurisdiction in testamentary matters without compensation. He begged to move his Resolution.

MR. GLADSTONE: Sir, I rise for the purpose of seconding the Motion of my hon. Friend. I should not attempt to detain the House for a few moments, were I not convinced that my hon. Friend who made the Motion is really considering economy of time in making it; and that the right hon. and learned Gentleman the Recorder for the City of London has it in his power to produce a very considerable economy of time if he is disposed—and I hope he may be—to accede to the principle of the Motion. What I conceive that principle to be is this—that we do not intend to charge the salary of the Judge who is to be appointed under this Bill upon that fund which is the sole public fund we are enabled to look to for the augmentation of many scandalously small clerical incomes in the Church of England, and for the foundation of new cures in that Church. This is not a small question; it is a question broad in principle. The right hon. and learned Gentleman (Mr. Russell Gurney), in his speech on the second reading, made a statement in defence of the principle of the Bill which he afterwards found to be incorrect. I am told that it is entirely untrue that the salaries of diocesan chancellors are charged upon the Common Fund of the Ecclesiastical Commissioners; but whether they are or not, I am, for my own part, equally prepared to resist any invasion of that fund for the purpose of providing the salary of this Judge. In my opinion, the matter of the salaries of diocesan chancellors has never been considered by this House so as to make the Common Fund of the Ecclesiastical Commissioners liable for them; and until I am better informed, I shall continue to believe that there is no such charge upon that fund. But be that as it may, is it now really to be supposed that we are going to provide this salary from such a source, or is the salary necessary at all? I contend there is no such necessity; there is no cause for appointing a permanent Judge with a high salary, for if there is to be litigation under the Bill, it must be litigation for the settlement of certain questions which when once settled cannot seriously recur; and it is quite impossible to compare them with a case where you are going to provide a means of dealing

judicially with questions year by year, in the anticipation of a constant and permanent supply of such questions. There is not, I believe, the smallest likelihood of anything of that kind. But even if there were, I should contend that we ought not to charge the Common Fund for such a purpose. I will not enter into details. I think it is not for us, but for the right hon. Gentleman to point out whence the salary should be drawn, in case the House should determine that it is not to be drawn from the Common Fund; but I believe my hon. Friend the Member for Gloucester is perfectly correct in saying, that the salaries for these ecclesiastical officers which now exist, amount in the aggregate to a very considerable amount of emolument, and that there is a very small amount of duty. With regard to the salaries paid to some of these officers, there is the Official Principal of the Archbishop of Canterbury, more commonly known as the Judge of the Court of Arches. It so happens that his salary amounts to about 10*s.* a-year upon an average of recent years, while he has discharged ten times as much duty as all the rest of the other chancellors put together. But there is an office now held by the Judge of the Court of Arches which is called that of the Master of the Faculties, and for which the emoluments are £600 a-year. Then there is the office of Dean of Faculties, who with a very small amount of duty has a salary of over £1,000 a-year. There is then the Commissary General of the city and diocese of Canterbury, who is an officer answering, in the case of the Archbishop, to the chancellor of other Bishops. He is the diocesan Judge, and his salary is small, not exceeding £200 a-year. If it were necessary to make some small addition to that, it could easily be done. Then there is the Official Principal of the Chancery Court in the Province of York, who is the provincial Judge. These offices are at present held by the same gentlemen, and at rare intervals, and the salary is £600 a-year. In fact there is for disposal in this way a sum of something like £2,400 a-year, out of which some provision ought to be made for diocesan Judges, corresponding to the chancellors in the ordinary dioceses. But what is the proper manner in which to secure an efficient Judge? It seems very properly

to have been held that this Judge ought to be a first-rate man. What is the price of a first-rate man? It appears that the market is very much *bassé* as they call it in French. When the Bill was first introduced, the price was put down at £4,000. It now stands at £3,000.

MR. ROEBUCK rose to Order. He was sorry to interfere, but he wanted to know whether the observations of the right hon. Gentleman ought not to be made in Committee on the Bill rather than at the present stage?

MR. SPEAKER ruled that the remarks of the right hon. Gentleman were quite relevant to the question before the House.

MR. GLADSTONE: I say the market has lowered, if we are to get a first-rate man for £3,000 a year. It being admitted that he ought to be a first-rate man, why should we pay £5,000 a-year to all our Chancellors, who cannot be better than first-rate men? The real truth is that this is a low figure, this £3,000, and it is chosen apparently, because there is a suspicion that there will not be a sufficiency of duty. Now, that is an arrangement which cannot in any way be deemed satisfactory, and I think wisdom dictates a pretty clear course. We cannot be certain what will happen. We must look to probabilities. If we look to those there may be more or less litigation; but as to the idea of a Judge continually sitting and deciding ecclesiastical controversies, I say no man contemplates such a state of things. I say that if any man contemplated such a state of things, and believed that from life to life and from generation to generation, that was to be the future condition of the Church of England, neither that Church nor any other Established Church could stand such a state of things, and such a scheme would be more likely than anything else to promote the views of the hon. Member for Merthyr Tydvil (Mr. Richard). It appears to me also we ought not to look simply to the remuneration of the Judgeship. We have, from the composition of our laws, arrangements by which a great many of the most eminent jurists are disposable. Independently of the Judges of the land, we have usually two or three retired Lord Chancellors, and five or six persons retired from other offices, who, although they may not be in such bodily vigour

as to be able to carry on their functions as they originally received them, yet might be perfectly able to undertake such duties as those contemplated in this Bill. I should say the rational course would be to look at all the available emoluments from the ecclesiastical offices, and combine those emoluments in the best manner, and, if necessary, to make these emoluments the inducement to Judges who are partially free, and from whom there will be a selection. Be that as it may, I will resort to any expedient, and will ask the judgment of the House upon the propriety of resorting to any expedient whatever, rather than to charge this large salary, which will probably be supplemented by claims for pensions, upon the fund for small livings and new cures. I do not wish to raise the question of ecclesiastical salaries; but even that question ought to be raised, rather than that we should invade the fund for small livings. I make this intimation, because I earnestly hope the right hon. Gentleman will save us further trouble; and it will expedite the passing of his Bill, if he will indicate to us that he is disposed to take this burden off the Common Fund of the Ecclesiastical Commissioners. It is in that spirit that I have spoken, and I think it would be good economy to accept the proposal.

#### Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, it is desirable that so soon as a vacancy shall from time to time occur in the office of Vicar General and Official Principal of each of the Provincial and of the Diocesan Courts in England and Wales, the judge to be appointed under this Act shall become ex officio such Vicar General and Official Principal, and that the salary of such judge shall be paid out of the fees now payable to the said Vicars General and Officials Principal,"—*(Mr. Monk.)*

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. GREGORY said, he did not think it would be necessary to secure the services of a special Judge for the purposes of the Bill, inasmuch as it would not be necessary for him to hold continuous sittings, and his duties would only be occasional. He, therefore, had given Notice of an Amendment to the effect that it might be left to the Archbishop

with the consent of the Crown, to select any of the Judges of the land to exercise jurisdiction under it until, at all events, it was known how the new law would operate.

SIR WILLIAM HARCOURT urged the expediency of going at once into Committee. The proper time for discussing the question raised as to the new Judge was when the clause relating to it was brought forward, and that would be on the 7th clause. The question was, no doubt, a very important one, for it was most desirable that the decisions of the tribunal about to be created should carry the utmost weight with them in the country, and he hoped the matter would be dealt with from that point of view.

MR. MOWBRAY concurred with the right hon. Gentleman the Member for Greenwich, that there would be a real economy of the time of the House in obtaining the opinions of hon. Members on the question at once. With regard to the appointment of a retired Judge, it had been the common practice to swear in a retiring Judge as a member of the Judicial Committee, and in that capacity he gave a great deal of time to the performance of judicial duties. There were at present three retired Lord Chancellors—Lord Chelmsford, Lord Hatherley, and Lord Selborne, each of whom might be ready to give up his time; and he was sure, in that event, that no one could perform the duties in a more satisfactory manner. Why, then, should a sum of £3,000 a year be paid when able services of a retired Judge might be obtained for a sum of £1,000 or £1,500 a year.

MR. GOLDNEY submitted that the matter now before them ought to be discussed, not at this stage, but in Committee.

MR. RUSSELL GURNEY said, he was asked to give a pledge at once to agree to something in the nature of the proposal of the hon. Member for Gloucester. He was not prepared to give any such pledge, as he did not at present know that the office of Vicar General was one that ought to be continued. In regard to the salary of the Judge, he was the last person in the House who would desire to charge any fund applicable to the improvement of poor livings, and he would not have made the proposal in the form he did, unless he had

been perfectly satisfied, from information which he had in possession, that every farthing that would be advanced by the Ecclesiastical Commissioners for the payment of that salary would be recouped afterwards by a plan which would be introduced in the course of next Session for the alteration of certain offices. He should be prepared to discuss the matter when they came to that part of the Bill in Committee. The feeling which he had, in the first instance was, that it was of importance to have a Judge whose character and reputation would give confidence in the tribunal, and he felt, of course, the difficulty of securing the services of such a person without a certain salary being named. He had obtained further information as to the amount of business, and he agreed that it would be desirable as opportunities occurred to add to the duties of the Judge, and, by giving him certain existing offices as they became vacant, to remove the present difficulty as to his salary. With this view the Bill at present provided that on a vacancy occurring in the office of Dean of the Arches or that of the Master of the Faculties, the Judge should be appointed to it, and if there were other offices which could be added to the number he (Mr. Russell Gurney) would have no objection to add them.

LORD FRANCIS HERVEY said, that after what had been stated by the right hon. and learned Recorder, he should not feel it necessary to embarrass him or the House by moving the Amendments of which he had given Notice.

Amendment, by leave, *withdrawn*.

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to*.

Bill considered in Committee.

(In the Committee.)

Clause 1 (Short title).

MR. HUBBARD (*London*), in moving, with the view of preventing any misapprehension and of describing more accurately the present nature of the Bill, that the title be altered from "The Public Worship Regulation Act, 1874," to "The Ecclesiastical Causes Procedure Act, 1874," said, the measure had in its progress acquired a degree of fairness which justified the House in passing the second reading. As the Bill had come down to them, he did not see any objec-

tion to its provisions generally, but he did see the importance of changing its designation. The disfavour with which it was received arose from the faultiness of its title, and it was desirable therefore that that title should express more truly the meaning of the measure. The Archbishop of Canterbury took great pains a few days ago in Convocation to insist upon the fact that the question involved in this Bill was purely one of procedure in ecclesiastical causes, and if the title proposed were adopted, it would do away with an immense amount of that painful apprehension excited by the Bill, as it was first introduced into the other House of Parliament.

MR. RUSSELL GURNEY really thought that the title suggested would be more fitting, supposing that the suggestion of the right hon. Member for the University of London had been adopted. He would suggest to his hon. Friend that he should withdraw his Amendment, and raise the question on the Report.

MR. GLADSTONE said, that the Amendment, as it stood, was liable to objection, because it seemed to imply that all ecclesiastical causes came under the Act. On the other hand, the present title was not accurate.

LORD JOHN MANNERS said, the short title—namely, "The Public Worship Regulation Act, 1874," described the real objects of the Bill, and, if that was rather lengthened, it would answer every purpose.

SIR WILLIAM HARCOURT suggested that the difficulty might be got rid of by having no short title. A short title was not wanted.

Amendment, by leave, *withdrawn*.

Clause *postponed*.

Clause 2 (Commencement of Act).

On the Motion of Mr. RUSSELL GURNEY, Amendment made, in page 1, line 11, by leaving out "January," and inserting "July."

LORD HENRY SCOTT thanked the right hon. and learned Gentleman for the concession he had granted.

Clause, as amended, *agreed to*.

Clause 3 (Extent of Act).

MR. GATHORNE HARDY suggested that the words "and the Channel Islands" should be omitted, because the Channel Islands might not be willing to accept the legislation of the House.

MR. ASSHETON CROSS said, he had not yet made an inquiry on the subject, but he thought the best course would be to postpone the Amendment till the Report.

MR. GLADSTONE said, that was a matter which touched the dignity of only a very small body, and he thought it would be far better to omit the words.

MR. ROEBUCK said, if those words were retained he should move the insertion of "Wales."

MR. ASSHETON CROSS moved, as an Amendment, in page 1, line 15, the omission of the words "and to the Channel Islands."

Amendment *agreed to*.

Clause, as amended, *agreed to*.

Clause 4 (Proceedings under this Act not to be deemed proceedings under 3 & 4 Vict. c. 86. s. 23.); and Clause 5 (Saving of jurisdiction) *agreed to*.

Clause 6 (Interpretation of terms).

MR. WAIT moved, as an Amendment, in page 2, line 21, to leave out "other than a cathedral or collegiate church."

MR. RUSSELL GURNEY said, he had no particular opinion about the matter. He must, however, oppose the Amendment, on the ground that the services in cathedrals and collegiate churches did not come within the general category of Church services.

SIR WILLIAM HARCOURT supported the Amendment, maintaining that the difference of service was no sufficient ground for exemption. He could not see why services under the deans and chapters should be privileged; deans and chapters were bound to obey the law as well as the clergy who ministered in parish churches.

MR. ASSHETON CROSS also supported the Amendment. He did not see why cathedral or collegiate churches should be allowed to transgress the law any more than other churches. He looked upon them as mother churches who should set an example to the others.

MR. BERESFORD HOPE suggested that the Amendment be postponed till the 16th clause was reached, which dealt with cathedral churches.

MR. GOLDNEY contended that though the clause under discussion dealt with the subject of the interpretation of terms, it was different from an ordinary

Interpretation Clause, and ought to be retained in its present form. He could see no object in maintaining the proposed distinction.

MR. J. G. TALBOT said, the question was who was to make representations to the Bishop in the case of collegiate churches.

MR. WAIT said, his objection to Clause 6 was, that it gave laymen no power whatever. They could initiate proceedings against parochial clergymen, but not against the clergy of a cathedral or a collegiate church.

MR. HORSMAN could see no ground for the exemption, and thought the right hon. Gentleman the Secretary of State for the Home Department had given the best of all reasons why there should be no distinction.

LORD HENRY SCOTT said, if collegiate churches were to be included, it would be necessary to provide some other machinery to put the law in motion.

MR. GLADSTONE said, the Committee appeared to be unanimously of opinion that cathedral and collegiate churches should be included. The Committee was not, however, now discussing what places should be included in the scope of the Bill, but what should be the meaning of the word "church." Perhaps the right hon. and learned Recorder, who drafted the Bill, was the best judge on this point.

SIR WILLIAM HARCOURT thought that no harm could come from the omission of the words, as the 16th clause provided machinery for dealing with cathedral and collegiate churches. He submitted that the word "incumbent" would not be applicable to a collegiate church at all.

MR. GATHORNE HARDY said, he wished to point out that "incumbent" was so explained that it would be applicable to a parish as well as to a collegiate church.

Amendment agreed to; words struck out accordingly.

MR. DILLWYN, in moving as an Amendment in page 2, line 36, to leave out from "age," to "who," in line 39, protested against that attempt to widen the line of demarcation between Churchmen and Dissenters. According to the Bill, a parishioner meant only a person who had subscribed a solemn declara-

tion that he was a member of the Church of England as by law established. That interpretation, he thought, was too strict, and he contended that a man ought to be able to lay claim to being a parishioner without having subscribed such a declaration.

Amendment proposed, in page 2, line 36, to leave out from the word "age," to the word "who," in line 39, inclusive.—(Mr. Dillwyn.)

Question put, "That the words 'who before making any representation' stand part of the Clause."

The Committee divided:—Ayes 269; Noes 86: Majority 183.

MR. WILBRAHAM EGERTON, in moving, as an Amendment, in page 2, line 29, to leave out "one year," and insert "three years," said, such an Amendment was necessary in order to give greater security against a man newly settled in the parish harassing an incumbent by vexatious proceedings. The complaining parishioner, he thought, should be a person of some standing in the parish. If that were required, it might prevent persons going about from parish to parish for the mere purpose of taking proceedings against the incumbent.

SIR WILLIAM HARCOURT hoped the hon. Gentleman would not press his Amendment. If a man came into a parish and found the incumbent violating the law, he had as good a right to complain as if he had been in the parish three years. He also thought it was going rather too far to say that when a man found objectionable practices going on he should not be allowed to complain of them for three years.

MR. J. G. TALBOT supported the Amendment, on the ground that a man should not be allowed to disturb the peace of the parish, unless he had lived for some time in it, any more than a man who had not been a Member of that House for a year would be allowed by the public opinion of the House to do anything which would tend to disturb the harmony of the House.

MR. RUSSELL GURNEY said, it would be most unreasonable to limit the operation of the Act in the manner proposed by the Amendment, which he hoped would not receive the support of the Committee. There was no fear more groundless than that entertained



by some that three parishioners would be so eager to make these complaints. People were not so willing to come forward in such cases; they did not like to incur the odium of the clergy and the disapproval of their neighbours.

*Amendment negatived.*

Mr. WILBRAHAM EGERTON moved, as an Amendment, in page 3, line 3, to leave out all after "relates" to "parish," in line 5, inclusive.

Mr. FORSYTH thoroughly agreed that the words in question ought not to remain in the Bill.

*Amendment agreed to; words struck out accordingly.*

Mr. MONK moved, in page 3, line 5, after "parish," to insert "or cathedral precincts."

Mr. NEVILLE-GRENVILLE opposed the Amendment, which would turn cathedrals into a sort of proprietary chapels to those who lived in their precincts.

Sir WILLIAM HARCOURT hoped the Mover of the Amendment would allow it to stand over.

Mr. MONK explained that his object was to enable somebody who saw anything wrong in a cathedral church to become a complainant.

Mr. NEVILLE-GRENVILLE said, that object would be effected by an Amendment which he intended to move in a subsequent clause.

*Amendment, by leave, withdrawn.*

On the Motion of Sir HENRY SELWIN-IBBETSON, Amendment made in page 3, line 5, after "parish," by inserting as a separate sub-section—

(Barrister-at-law.)

"Barrister-at-law shall in the Isle of Man include advocate."

On Question? That the clause, as amended, be agreed to,

LORD RANDOLPH CHURCHILL wished to know whether the right hon. and learned Recorder would consent to insert after the word "male" "or female." Women were often better church-goers than men, and it was hardly right, therefore, to exclude them from the power of joining in a complaint.

Sir HARCOURT JOHNSTONE wished to protest in the strongest language against the new test created by

the Bill. It would have the effect of driving away those Wesleyans who were attached to the Church, and who attended church in the morning and their own chapels at night. He had no doubt that the numerous Wesleyans in the county where he lived would resent the restriction as a bitter insult. He trusted that the House of Commons, in trying to reform the Church, would not deliberately exclude persons sincerely attached to it, and that some means would be found on the Report of giving the Wesleyans a legal status in this matter. He was sure that many of them would have conscientious scruples against signing this test—"I do solemnly declare I am a member of the Church of England as by law established"—before they could lodge a complaint.

LORD JOHN MANNERS thought the objection ought to be raised when they came to the Schedule, and not on that clause.

Mr. GOLDNEY said, that any legal rights then possessed by Wesleyans and other Dissenters were not proposed to be taken away by the Bill. It was simply to give facility of procedure.

Sir HARCOURT JOHNSTONE replied, that before a parishioner could make a complaint, he would have to make a solemn declaration that he was a "Member of the Church of England as by law established."

Mr. DODSON said, of course the idea of those who opposed extension was, that if a man were not a member of the Church, he could not find fault with the manner in which the services were conducted. Many persons attended both church and chapel, and such persons would not like to declare themselves members of the Church of England.

Mr. BERESFORD HOPE rose to Order. The hon. Member was returning to a question which had been decided.

THE CHAIRMAN said, that the question now being that the clause be agreed to, the hon. Member was in Order.

Mr. DODSON believed that this test would not have the effect of preventing persons who were not members of the Church from offensively making complaints as to the manner in which the service was conducted, because it would

be easy to find three persons who would for the consideration of a pint of beer profess themselves members of the Church of England. It was absurd to insist on this test when the Bill provided that a single churchwarden who might be a Dissenter or a Jew could lay a complaint. If persons brought forward complaints for the purpose of causing annoyance the Bishop would not entertain them. He had voted with the minority in the previous Amendment, because he thought it undesirable even in appearance to create a new test, which, moreover, was unnecessary.

VISCOUNT GALWAY said, it was very rarely that Wesleyans attended a Ritualistic church, and therefore such persons were not likely to be aggrieved parishioners.

SIR JOHN KENNAWAY thought that the Dissenting Bodies could not expect the House to go out of its way to give them privileges for litigation. He considered that it was only fair to the clergymen that the test should be imposed, because it would not be right that persons not being actually members of the Church should be entitled to make a representation.

MR. WAIT observed, that after such an overwhelming expression of opinion, the question ought not to have been revived.

MR. MORGAN LLOYD said, he represented a constituency including a large proportion of Nonconformists, and objected to the test, adding that he noticed indications of a desire to denationalize the Established Church, and make it a Church of a sect. He hoped the right hon. and learned Gentleman would re-consider this matter.

COLONEL LEIGH was quite sure the Wesleyans were not desirous to be put into the position which was now placed before them. If a clergyman could not find three members of his own congregation to proceed against him, he would be in little danger of the pains and penalties of the Bill.

MR. HUBBARD said, the Church did not interfere with Dissenters, and he did not think it would be right that Dissenters should be allowed to interfere with a service from which they had spontaneously alienated themselves.

MR. HORSMAN observed, that it was loss of time to re-argue the question involved in the Amendment of the

hon. Member for Swansea (Mr. Dillwyn) which had been already decided, especially as it was not proposed to divide the House against the clause.

Clause agreed to.

Clause 7 (Appointment, duties, and salary of judge.)

MR. BERESFORD HOPE moved as an Amendment in page 3, line 11, after "sign manual," to insert "jointly or severally as the case may be." The hon. Member said the object of the Amendment was to enable two Judges to be appointed, one for the Province of Canterbury, the other for the Province of York. Under the Bill there was to be one provincial Judge for all England. He fully agreed that there ought to be a small number of Judges; but thought the Bill went too far in laying down absolutely that the Provinces of Canterbury and York, differing in their history, traditions, and local circumstances, and in many respects in the character of their inhabitants, should necessarily have the same Judge. He proposed that, if it should be necessary, there should be two Judges. Possibly a retired Judge might be appointed—who need not be an ecclesiastical juriconsult—the sole business of whose life would be directed to the various ecclesiastical offences raised under this Bill. If there were two Judges, there would be the advantage that one of them might correct the mistake of the other, and not risk the idiosyncrasies of a man—who had, perhaps, gone to Church law late in life—being stamped upon the whole Church.

MR. RUSSELL GURNEY thought it most important the House should adhere to the arrangement in the Bill for appointing only one Judge, for whose salary he was afraid there would be some difficulty in making provision. He need not say that if two were to be appointed, that difficulty would be increased. He would also observe that there would be a High Court of Appeal, where the errors of a single Judge might be set right.

Amendment negatived.

MR. GREGORY moved, as an Amendment, in page 3, line 11, to leave out from "a barrister" to "has been" in line 13. By the clause as it stood, a barrister of ten years' standing or an ex-Judge would be appointed. He believed that the duties to be performed

would be light and might be undertaken by one of the ordinary Judges, without interference with his other work. If such interference should occur, the Judge might, for example, be relieved from going Circuit. By adopting the present proposal, a Judge could easily be obtained who would have the necessary independence and would possess the confidence of the country, and who, moreover, would have sufficient work to do to keep his faculties from stagnating.

MR. FORSYTH pointed out that the Judges were already fully occupied, and that their number would be reduced under the operation of the Judicature Act. Under these circumstances, the effect of the Amendment would be to cause a deadlock. If a Judge were appointed at £3,000 a-year, and the business of the Court did not occupy his whole time, he could assist the other Judges, and thus give work enough for the salary, besides strengthening the existing judicial staff.

MR. MONK said, he hoped the Amendment would not be agreed to, it being, in his opinion, most important that there should be a special Judge for this kind of business. If his Amendment had been adopted, there would have been ample funds from which to pay the Judge.

MR. OSBORNE MORGAN said, if the new Judicature Act had contemplated the appointment of three additional Judges he could understand their proposing to appoint one of them the Judge to execute this Act, but not otherwise.

MR. SPENCER WALPOLE expressed the opinion that, within three years or so nearly all, if not all, the questions that would come up for decision under the Act would be disposed of, and that altogether there would not be more than 10 or a dozen. That being the probability, he held that it would inspire great confidence in the public mind, if they could have a person taken from the existing judicial staff to execute the provisions of the Bill. They must have a person who was independent, who had considerable judicial experience, and who was capable of deciding such important questions as those which might arise under the Bill. Unless they had a thoroughly competent Judge nothing but dissatisfaction would arise.

The great difficulty would be to get such a man, and he thought they might fairly follow the precedent which they had in regard to Judges to try Election Petitions.

MR. HORSMAN said, the same Judge was not likely to give conflicting decisions, and after two or three years, practically, the law would be so well understood that no one would venture to appeal. In that case, there would be no difficulty in finding a barrister to perform the duties of the office.

MR. J. G. TALBOT said, he thought it very undesirable to make a life appointment to the office in question, for the Judge might have next to nothing to do. He thought the Government ought to state what their opinion was on the question before the Committee.

SIR WILLIAM HARCOURT said, he quite agreed that the question about the Judge was one of the most important parts of the Bill. The country would judge of the earnestness of the work the Committee was about, by the manner in which they decided the question of the appointment of the Judge. If the Committee adopted the idea that that was a small affair, and that there would be nothing for the Judge to do, the public would imagine that it was not intended that the Bill should be efficiently put in action. If, however, they intended it to be a Bill which was to declare the law of the land as applicable to the Parliamentary State Church, that matter ought to be dealt with in a serious manner and under the authority of a Judge competent to deal with such matters. When they talked of the enormous salary of £3,000, did they suppose that the Church of England, with its enormous endowments, was not able to provide the means of paying the salary of a Judge to enforce the law for the benefit of its own clergy and its own people? He could not entertain the idea for a moment that the Church of England could not provide the means. It was said that the Judge would have little to do; but he was not so sure of that, and, at all events, he hoped the Committee would not think that a used-up Judge—a Judge who had retired from the Bench on account of his inability to carry on judicial work—should be appointed to carry out the measure. They ought to appoint a first-rate man and give him an adequate salary; and if they found, on

experience, that he had not enough to do in deciding ecclesiastical questions, he might be employed on other business. In that view, what would be wiser than to say that the Judge appointed for the limited purposes of the Bill should take the appointment subject to the performance of any other duties which Parliament might impose upon him?

MR. NEVILLE-GRENVILLE said, he hoped that, by the appointment, the hard-working incumbents of poor livings in populous places, who obeyed the law, would not be called upon to defray the expenses of their richer neighbours who broke the law.

MR. HORSMAN said, he did not wish to see an occasional Judge appointed; but he contended that after two or three years, it would be found he had little to do.

COLONEL LEIGH said, the judicial system had broken down in consequence of so much work being put upon the Judges. What he would suggest was that two new Judges should be appointed, and the junior should perform the work of this Bill. *Juniores ad labores*. The way in which Mr. Justice Keogh, a junior Judge, had performed duties that were extra-judicial, showed what reliance might be placed on the manner in which a junior Judge in this country would carry out this Bill.

MR. YOUNG said, he believed that the Bill, when carried, would be almost self-acting. He would suggest, however, that one of the Colonial Lord Chief Justices who generally returned to this country in the prime of life might be appointed to try these cases. They were not used up, were in receipt of pensions, and were perfectly qualified for the office.

MR. DISRAELI said, his opinion was, that they ought to appoint an efficient man—the most efficient they could—to transact the business, without any reference to any other circumstances. He would remind the Committee that the Judge who would be appointed would have, perhaps, more to perform than they contemplated, because all these duties of the Ecclesiastical Judge were performed by the Judge of the Admiralty Court, and he was paid a large salary—£4,000 a-year—by the nation. That Judge, under the new Judicature Act, would relinquish all those ecclesiastical duties. He would be raised to

£5,000 a-year, and the rank of the other Judges. That would, probably, lead to consequences which would assist them in considering the remuneration of the Judge under this Bill. The point, however, now to be decided was, whether they would have the most efficient Judge possible for this work, and he did not think any claims of appealing to those Judges already appointed, or calling upon retired and exhausted Judges, ought to be considered.

MR. RUSSELL GURNEY said, great inconvenience had arisen from the Judge having duties to perform in the Admiralty Courts, besides those which belonged to the Ecclesiastical Court. The consequence was, that a large portion of the business in the latter Court was delayed. He agreed that there were difficulties to contend with; but they would arise more properly on the latter part of the clause. At the same time he did not think it desirable, when they wanted the best possible Judge, that they should exclude the largest class from which the selection could be made.

Amendment *negatived*.

MR. MONK, in moving, as an Amendment, in page 2, line 15, to leave out “a,” said, that the object of his Amendment was that, as vacancies occurred in the office of Vicar General of any of the diocesan Courts in England and Wales, the Judge to be appointed under the Bill should fill those offices *ex officio*, in the same way that he would become *ex officio* Judge of the Court of Arches on a vacancy occurring, and also *ex officio* Official Principal of the Chancery Court of York. His proposal was based upon a desire to find a mode of paying this Judge other than through the Common Fund of the Ecclesiastical Commission.

SIR WILLIAM HARCOURT said, that if what was meant was that that Judge should absorb the Diocesan Courts of England and Wales as vacancies arose, that was, he thought, a very reasonable proposition.

LORD JOHN MANNERS inferred, from what was stated by the hon. Member for Gloucester earlier in the debate, that the real object was to abolish the Chancellors throughout the Church of England. If that were so, it was a great step which the Committee was called

*Sir William Harcourt*

upon to take by the elision of the little letter "a."

MR. GATHORNE HARDY said, that he could not comprehend the proposal, which, so far as he could understand it, would have the effect of rolling 27 gentlemen into one. The Committee were in this difficulty—these Courts were the Courts of the Bishops, who had sent down the Bill without any intimation that they desired to give them up, and it might very well be that they were of use for other purposes, and could not be dispensed with. It would be a dangerous course to abolish them in a Bill of this kind by the omission of the indefinite article.

MR. BERESFORD HOPE said, he wished to avoid any misconception that might arise from the fact that he, too, had proposed to omit the letter "a;" but his reason was just the opposite of that of the hon. Member for Gloucester, with whom he did not agree. His own Amendment was a consequential one, following upon an Amendment which the House had declined to accept, so that it must be abandoned.

MR. GOLDNEY said, the effect of the Amendment would be to build up a new system of ecclesiastical law, which they did not wish to do by a side-wind. If the Judge was to be occupied by all sorts of diocesan, he would not be available for his own special business.

*Amendment negatived.*

MR. SPENCER WALPOLE moved, as an Amendment, in page 3, the omission, in line 23, of the Proviso—"Such Judge shall be *ex officio* an Ecclesiastical Commissioner for England." He did so because he thought the duties of the office should be entirely of a judicial character, and that the Judge to be appointed should not be connected with any other office.

SIR THOMAS ACLAND supported the Amendment, as it was undesirable to increase the number of those who might be termed honorary Members of the Commission. He hoped that the Committee, in accepting the proposal, would not pledge themselves to the selection of a "specialist," which in an Ecclesiastical Court was to be avoided.

MR. HORSMAN hoped his right hon. and learned Friend the Recorder would accept the Amendment.

MR. RUSSELL GURNEY said, he was willing to defer to the general

opinion of the Committee. The Proviso had been inserted, because it was thought desirable to strengthen the lay element on the Commission.

MR. MOWBRAY remarked that the lay Members were sufficiently numerous, but they hardly ever took part in the deliberations of the Commission. There were already persons nominated specially who were likely to strengthen the lay element in ecclesiastical procedure, as they were persons of large experience. Amongst them were the Lord Chief Baron and the Lord Chief Justice.

*Amendment agreed to.*

MR. GLADSTONE, in moving, as an Amendment, in pages 3 and 4, the omission of the words—

"Any salary or emoluments which such Judge shall be entitled to receive from the said offices, other than the office of Judge under this Act, shall be paid over by him to the Ecclesiastical Commissioners for England, and all fees payable in respect of proceedings before the said Judge under this Act shall also be paid over to the Ecclesiastical Commissioners. The Ecclesiastical Commissioners shall pay to the said Judge by equal quarterly payments such salary as shall be assigned by the Queen, by Order in Council, not exceeding the sum of three thousand pounds per annum."

—said, he rose to make an objection to the paying the salary of the Judge out of the Fund of the Ecclesiastical Commission. He did not think that, after a short time, the Judge would have much to do, at any rate, after a certain period had elapsed from the passing of the Bill—even if he took cases of immorality, which were extremely rare, and cases of doctrine, which it was hoped, for the peace of the Church, would be also extremely rare in the future; but that was a secondary question, upon which he did not wish then to give an opinion. He did not ask the House to give any opinion as to what ought to be the salary of this Judge, but would rather that that matter were separately considered. He admitted that the most efficient man possible should be obtained, but he did not agree with the objection that had been made to retired Judges. Many retired Judges returned to the Bench, and especially the Lord Chancellor, who commonly retired with the view of returning to office. In his opinion, it would be wise to appoint one who already had had some experience of a Judge's functions, and to select a man whose decisions would carry with them the weight of the

highest authority. What, however, he took his stand on was, the principle that from whatever other source the salary of the Judge was to be derived, it should not come from the Fund of the Commission. Let them consider the objects with which that Fund had been established. The whole plan of ecclesiastical reform connected with the re-modelling of the Episcopal incomes, and the great changes introduced into the cathedral bodies, depended on it, and it had been mainly established to remove two prime evils from the Church. One of them was the extreme poverty of certain benefices—so great that it was difficult to get efficient men to fill them; but, beyond that, there was the still greater mischief of a vast population not detached from the Established Church, but failing in active connection with it from the want of churches and pastors. For years statesmen and Ministers of all parties had co-operated in the establishment of a sufficient fund for the purpose of supplying those great deficiencies. There was also the providing of new Bishops, on the necessity of which Bishop Blomfield had insisted; and at one time it was thought by some that, as the Episcopal estates contributed largely to the Common Fund, a portion of it might be fitly devoted to the endowment of new bishoprics; but the proposal was opposed, and rejected, on the ground that if the Fund were once invaded other charges would be imposed upon it. The Common Fund had always been watched by Parliament with the greatest jealousy, and the watchfulness had been maintained down to the present day. It was with astonishment, therefore, that he had heard the right hon. and learned Gentleman make a proposal which was radically at variance with the ecclesiastical policy of the last 40 years. He believed that, with the exception of £300 a-year granted to maintain the Lambeth Library, there had been, during the period he had mentioned, no interference with the Common Fund. Let them look at the object of that Fund. The Ecclesiastical Commissioners had made use of the Fund in such a way as to unlock private benevolence for the purpose of increasing the income of small benefices. For every pound, therefore, that would be taken from the Fund for the remuneration of this important officer, two pounds would be withdrawn from some of the most

important functions of the Church—namely, parochial duties among the poor. Even a moderate—perhaps a too moderate—salary for this Judge, drawn from the Fund, meant the salaries of 20, 30, or perhaps 40 of these incumbents and curates, going among the mass of the population, spending their time in preaching and teaching the young, in ministering and performing the services of the Church, and in consoling the sick. In short, such an amount of good would be withdrawn from these purposes that he hoped the House of Commons would be induced not to entertain the proposal. It was no part of his duty to suggest the other sources from whence the salary was to come; but he put it broadly, that it ought not to come from the Common Fund. He had already mentioned three sources from which it might be obtained, every one of which was preferable to that proposed. The proposal of the Bill was mischievous and evil in itself, and if it were once entertained, other claims would infallibly come up; and they would have no option with regard to them, if they now made a false step. He still hoped that the right hon. and learned Gentleman would agree to his Amendment; but, if he did not, he (Mr. Gladstone) would feel obliged to take the sense of the House upon it. He therefore begged to move the omission of the words directing that the salary should be paid by the Ecclesiastical Commissioners.

MR. RUSSELL GURNEY said, if the right hon. Gentleman had waited a few minutes he would have himself proposed this alteration. At an early stage of their proceedings that day he had mentioned that he had considerable doubts on the point, and that nothing would induce him to trespass upon the Common Fund, unless he was satisfied that every penny of it would be recouped. He thought the simplest plan would be to leave the new Judge as filling the office of the Judge of the Arches Court, the principal officer of the Chancery Court of York, and the Master of the Faculties; and, until some further legislation took place, he thought that had better remain so.

SIR WILLIAM HARCOURT said, what was wanted was a first-rate Judge, and they were going to offer him a situation in which the salary would depend in a great degree upon the income

of offices not yet vacant. In other words they were offering him a reversion. If they went into what had been called "the Judge market," and told a man that he would get certain offices when they were vacant, they would not be likely to get a good Judge. It would be necessary to offer a good salary for that purpose.

Mr. NEWDEGATE maintained that there was ample justification for the proposal in the Bill. For how had that Common Fund been formed? Out of incomes taken from the Bishops, who were, therefore, no longer able to meet the expense of prosecutions under the cumbrous machinery hitherto in use. Parliament had alienated the fund from purposes of ecclesiastical jurisdiction; and therefore, in justice to those who had made the proposal, this salary ought to be given to the Judge out of the Common Fund.

Mr. DILLWYN asked where the money was to come from, if not out of the funds of the Church of England? He protested against its coming from the Common Fund of the country. It should not be forgotten that the Committee had limited the whole operation of the Bill to members of the so-called Church of England.

*Amendment agreed to.*

Motion made, and Question proposed, "That the Chairman report Progress, and ask leave to sit again."—(Mr. Dillwyn.)

Mr. DISRAELI said, the question was, when they should meet again to resume the consideration of that Bill in Committee. It would be convenient if they could do so that evening. There were some Motions on the Paper which were interesting, but not of that absorbing character which the present Bill possessed. One of them, of which Notice had been given by the hon. Member for Lambeth (Mr. Alderman M'Arthur), related to the Fiji Islands—a subject which now very much occupied the attention of the Government; and he did not think its discussion would be very convenient at the present moment. There were several other Motions by hon. Gentlemen which, although he appreciated their importance, he did not think could compete for a moment in interest with the continuance of their labours on that Bill; and, therefore, if those hon. Mem-

bers would kindly give way and assist the House, he trusted that they might proceed at 9 o'clock with the Committee, and probably terminate it that night.

Mr. ALDERMAN W. M'ARTHUR said, that after the very satisfactory statement made by the noble Lord in "another place" as to the intentions of the Government to yield to the expressed wish of the inhabitants of Fiji, and to annex those Islands, he did not think he would be acting rightly if he did not accede to the appeal just made to him by the Prime Minister.

Mr. DISRAELI, while thanking the hon. Member for yielding to his suggestion, would be sorry to obtain that concession under anything like false pretences. The hon. Member had certainly made a communication to the House which his noble Colleague in "another place" had not made to him (Mr. Disraeli).

*House resumed.*

Committee report Progress; to sit again *this day*.

And it being now five minutes to seven of the clock, the House suspended its sitting.

The House resumed its sitting at Nine of the clock.

#### SUPPLY.

Order for Committee read.

#### THE FIJI ISLANDS.—QUESTION.

Mr. GOSCHEN wished to ask, Whether a day would be given for the discussion of the Fiji question? The hon. Member for Lambeth (Mr. Alderman W. M'Arthur) had given way to the wish of the House; but he trusted an assurance would be given that before Parliament separated, an opportunity would be afforded for discussing a question of so much importance.

Mr. GATHORNE HARDY: The Government will take care that the House shall have an opportunity of discussing the question before Parliament separates.

*SUPPLY—considered in Committee.*

*House resumed.*

Committee report Progress; to sit again upon *Monday* next.

## PUBLIC WORSHIP REGULATION BILL.

[*Lords.*—[BILL 176.](*Mr. Russell Gurney.*)

## COMMITTEE.

Bill considered in Committee.

(In the Committee.)

MR. DILLWYN in moving, as an Amendment, the omission of the words in page 4, from "every" in line 6, to "vacant" in line 10, said, he should like to know upon what grounds it was proposed to revise tests for appointments to offices. Such a proviso only cast a slur upon the Judge. He had no doubt that any Judge who might be appointed, whether Churchman, Dissenter, or Roman Catholic, would be impartial. A Churchman, might, indeed, sympathize with one of the parties in the Church, and it could with some reason be argued that greater impartiality might be looked for in a Dissenter or Roman Catholic. He thought they were all agreed as to the importance of appointing the best possible man as the Judge, but for his part he would rather have seen a full-blown Judge than one selected by the Archbishop. He wished to know from the right hon. and learned Recorder, if he had any reason for requiring that declaration to be made? However, whether they appointed a Churchman, Dissenter, or Roman Catholic Judge, he hoped they would be able to secure as good Judges in future as those now on the Bench.

Amendment proposed, in page 4, to leave out from the word "Every," in line 6, to the word "vacant," in line 10, both inclusive."—(*Mr. Dillwyn.*)

Question proposed,

"That the words 'Every person appointed to be a judge under this Act shall be a member of the Church of England' stand part of the Clause."

MR. BERESFORD HOPE begged the hon. Member for Swansea to recollect that the individual to be appointed Judge must be the Dean of Arches and Master of Faculties—the *alter ego* of the Archbishop. He was to represent the Church of England in all her judicial functions as the substitute, deputy, and assessor of the two Primates. He therefore hoped the hon. Member would be satisfied with having spoken to his Amendment, and would not divide the

Committee on a proposal so preposterous. They might far more reasonably propose that the Lord Chancellor should be a Roman Catholic.

MR. GOSCHEN trusted the right hon. and learned Recorder would consider whether it was not absolutely certain that the two Archbishops would appoint a member of the Church of England to hold the office. To suppose that the two Archbishops would appoint anybody not a member of the Church of England was really to imagine something too preposterous. Was it therefore worth while to introduce into the Bill a clause of that description, when hon. Members opposite had fully acknowledged that Judges of all denominations were perfectly impartial? He thought his hon. Friend was quite justified in raising the question, because it was undesirable to introduce an invidious clause into the Bill. He thought no one in that House would wish that the appointment should be held by anybody who was not a member of the Church of England. They ought not to depart from the broad ground of the National Church, which was the strong ground upon which the Bill rested. He was opposed to introducing new tests in judicial appointments at that time of day.

MR. ASSHETON CROSS hoped the hon. Member for Swansea would not press his Amendment. The question was already practically decided, as the Judge must be Master of the Faculties and hold certain other offices which undoubtedly would be held only by a member of the Church of England. Besides, he felt they ought to conciliate the clergy in a matter of this kind. It was only right that the individual who was to be considered the judge of their conduct should be a member of the Church of England; and if that was the opinion of the Committee, they should have the courage to say so.

SIR WILLIAM HARCOURT also expressed a hope that the hon. Member for Swansea would not press his Amendment. If the Bill went forth to the public with the assumption that the Judge might or might not be a Nonconformist, it would not work.

MR. RUSSELL GURNEY said, that the Dean of Arches and Master of the Faculties would be obliged to sign a declaration that he was a Member of the Church of England.



MR. GOSCHEN thought there were ample securities in the Bill that the Judge to be appointed should belong to the Church of England, without the use of those words. What he objected to was the introduction of a new test into the Bill.

MR. MOWBRAY hoped they would get through the Committee on the Bill to-night; but with that view, it was very desirable that their time should not be taken up with unnecessary discussion.

MRS. HARCOURT JOHNSTONE supported the Amendment. If those words were retained, the obvious inference would be that the Church was resolved to carry things her own way, in conformity with the views of the small sect to which, in his opinion, she would be reduced in a few years' time. He thought that as the Imperial Court of Appeal did not necessarily consist of Churchmen, it was absurd to require that the Judge of the Court of First Instance should be a Churchman.

MR. WALTER said, that the hon. Baronet the Member for Scarborough (Sir Harcourt Johnstone) seemed to forget that there was a great distinction between the Judge who was to be appointed and the Privy Council or the Court of Appeal. This Judge would take the place of some Ecclesiastical Judge. He was to be paid out of the revenues of the Church, and would possess a distinctly ecclesiastical character as a Judge. But the Court of Appeal was in no sense an ecclesiastical tribunal. It was the highest Court in the land; the Judges were paid out of the national Revenue, and their position was not at all similar to that of the Judge, whose quality and condition they were now discussing. He, for one, regretted that it was necessary to insert words of such a questionable nature in the clause; he lamented it as a disagreeable necessity; but when it was proposed to strike them out, he felt how necessary it was to retain them. It would be obviously impossible for any one not a member of the Church of England to be appointed by the Archbishop as an Ecclesiastical Judge, to be paid out of the revenues of the Church, and for that reason he could see no reasonable objection to the words being retained.

MR. HUBBARD said, as this Judge would be the only Ecclesiastical Judge left, and he was to deal only with the

affairs of the Church of England, it was asking for more than liberty for Dissenters to strike out the words; it was simply doing violence to the feelings of the clergy.

MR. DILLWYN said, the question was not settled what a member of the Church of England was. It was a very important question, and one that would have to be settled before long, for there was more difference between Churchmen than between them and Dissenters. He believed the Bill to be a bad Bill, and wished to make it as little objectionable as possible.

Question put.

The Committee *divided*:—Ayes 114; Noes 32: Majority 82.

On Question, "That the Clause, as amended, be agreed to."

SIR WILLIAM HARCOURT said, he was so anxious that the Bill should pass that he had put no Amendments on the Paper; but he had always entertained a strong opinion on the nomination of this Judge by any other authority than the supreme authority in this country, the Head of the Church—that was the Crown. He would now ask the right hon. and learned Recorder to consider the question before the Report; and he would put an Amendment on the Paper providing that the nomination of this Judge should be in the Crown. Most of them had in various capacities solemnly declared their adherence to the principle, that the Sovereign of these Realms was in all causes, ecclesiastical as well as civil, in these Her Dominions supreme. He thought that it would be most mischievous and dangerous to encourage the idea that there was any difference between causes ecclesiastical and civil as regarded their mode of treatment. The responsibility of such an appointment as the one in question ought to rest on the Sovereign under the advice of her responsible Ministers, and the proposal was in no way inconsistent with the vote at which they had arrived, while it would avoid the scandal which would ensue if the appointment were left in abeyance, owing to the two Archbishops not being able to agree upon an appointment. He therefore gave Notice that on the bringing up of the Report he should move an Amendment to that effect.

MR. GATHORNE HARDY said, he did not propose to discuss the Notice then, but he altogether protested against his hon. and learned Friend using a term in respect to Her Majesty which had been refused by Queen Elizabeth and had never been employed since her time, except by Queen Anne. Her Majesty was not the head of the Church of England.

SIR WILLIAM HARCOURT said, Her Majesty was in terms of the statute of the 1st of Elizabeth "Supreme Governor of the Church," a distinction which he confessed was of a somewhat feminine character. He would, however, correct his phrase, and say that the Supreme Governor of the Church was the proper person to appoint this ecclesiastical Judge.

MR. HORSMAN differed entirely from the hon. and learned Gentleman who had just spoken. If this appointment devolved upon the Crown, everybody knew that it would be made by the Prime Minister, and would therefore be a political appointment. Suppose they took a case—not at all a probable one for some years to come—that they had a Ritualistic Prime Minister, who denounced the Act of Uniformity, who threw discredit on the Reformation, who endeavoured by placing Resolutions on the Table—"Oh, oh!" Hon. Gentlemen called "Oh" because they immediately recognized the probability of what he was suggesting. Supposing they had a Prime Minister who endeavoured to obtain absolute impunity for the most ingenious, audacious, and unscrupulous persons—for those who went further than any one at the present moment had ventured to go in undermining the religion of the country. What would be the result? It was not till the time of Lord Aberdeen that Letters of Business were again issued to Convocation, and it was owing to that action on the part of a Prime Minister that Convocation once more became a difficulty in the way of Parliament. They had already felt very strongly the mischievous effects of this revival, and they had just escaped the danger arising from the fact that a member of the Liberal Party had proposed Resolutions which amounted in effect to a complete revolution. A Ritualistic Prime Minister might make the appointment of this Judge in accordance with his own par-

ticular views, and might override the wishes of his Colleagues, of the House of Commons, and of the country, whereas they would obtain a better security by leaving the power in the hands of the Archbishop.

MR. ASSHETON CROSS would venture to remind the Committee, that there was plenty to be done without now discussing a proposal which must be fully debated on the Report.

Clause, as amended, *agreed to*.

Clause 8 (Representation by archdeacon, rural dean, churchwarden, or parishioners.)

MR. BERESFORD HOPE moved, as an Amendment, in page 4, line 13, to leave out "or the rural," to "deanery," in the next line. He thought it advisable that the rural dean should be exempted from the clause, as he was not a distant and elevated official like the Archdeacon, but only a *primus inter pares* to his brother clergymen.

MR. ASSHETON CROSS said, he hoped the Amendment would be adopted. The effect of the retention of rural deans in the Bill would be to create distinctions between rural deans and neighbouring clergymen, which, in fact, did not exist.

Amendment *agreed to*.

LORD HENRY SCOTT moved, as an Amendment, that the words "the churchwardens," should be substituted for the words "a churchwarden," in line 14. It ought not, he thought, to be in the power of one person to disturb a parish or district by the adoption of legal proceedings under the Bill.

MR. GOSCHEN pointed out that to adopt the Amendment would be in effect to defeat the object of the Bill. Could it be expected that the vicar's churchwarden would take proceedings against the vicar?

LORD JOHN MANNERS hoped that the Amendment would not be pressed.

COLONEL BARTTELOT observed that in some parishes there was but one churchwarden. In such districts, if the Amendment were adopted, the Bill would be inoperative.

MR. J. G. TALBOT said, that as the Bill stood a churchwarden of what he might call the mother parish, in which parish there were several districts and several churches, might take proceedings which would affect all the churches in the district. That was not a provision

which he thought the Committee ought to approve.

MR. ASSHETON CROSS referred his hon. Friend who last addressed the Committee to the Interpretation Clause, by which it was made clear that a churchwarden—whether of the mother church of a parish or of a district in the parish—could only by any action he took affect the particular district in respect of which he had been selected or elected.

MR. GATHORNE HARDY opposed the Amendment.

MR. KNATCHBULL - HUGESSEN said, that although he was no friend to the Bill, he could not be a party to anything which would make it unworkable, as he believed that Amendment would do.

MR. BERESFORD HOPE thought a definition of churchwarden should be inserted in the Interpretation Clause.

MR. HORSMAN said, that what they wished was not to give too much power to one churchwarden. If more than one were necessary to make a complaint, unless the two agreed nothing could be done. He thought the Amendment, if carried, would tend to prevent litigation.

Amendment, by leave, *withdrawn*.

MR. TORRENS moved, as an Amendment, in page 4, line 14, to leave out "three," and insert "twelve." He thought three was too small a number of parishioners entitled to take steps to put the machinery of the Bill into operation.

SIR HENRY DRUMMOND WOLFF also thought three far too small for large parishes. He appealed to the right hon. and learned Recorder as to whether he could not introduce some Amendment on the Report, on the principle of a sliding scale, so that an incumbent might be secure against vexatious interference.

SIR WILLIAM HARCOURT hoped that the right hon. and learned Gentleman would not alter the number of parishioners named in the Bill. The general principle of law was that any of Her Majesty's subjects were entitled to complain of a breach of the law; but, seeing that three was the number fixed by the other House, and that there was no particular reason why they should take one number more than another, he was content to abide by it, inasmuch as it gave some security against individual malignity.

MR. BERESFORD HOPE said, he had an Amendment on the Paper to substitute "six" for "three;" but as three had come down from the other House, he should not try to disturb it. He should, however, like to have some guarantee that the three parishioners should be substantial men, and not men of straw. He would therefore give Notice of his intention to move an Amendment to the effect that the parishioners should have resided in the parish for at least 12 months.

MR. GOSCHEN suggested that the number should be "three or more." As security for the payment of costs had to be given when required, he thought it should be left open for the number of persons instituting proceedings to be more than three, if thought necessary, in order to distribute the liability to pay costs. He should therefore move, in the proper place, to insert the words "or more" after the word "three."

MR. GOLDNEY did not see any necessity for those words. He thought they would tend to cast a reflection upon the three people who were willing to make the representation, and for that reason, he thought the Committee ought to adhere to the number "three."

MR. GOSCHEN said, he should adhere to the words he had proposed. Their insertion could not do any possible harm, and he should like to hear the opinion of the right hon. and learned Gentleman the Recorder upon them.

MR. RUSSELL GURNEY said, he certainly intended to adhere to the word "three." First of all, when the Bill was introduced, "one" was inserted; but the question was submitted to Convocation, and they altered the number to "three," and they did not insist upon resident householders.

MR. GLADSTONE supported the proposal of his right hon. Friend the Member for the City of London (Mr. Goschen). He thought the insertion of the proposed words very important.

MR. A. EGERTON hoped that the proposed Amendment of the hon. Member for Cambridge University (Mr. Beresford Hope) would be agreed to.

MR. HORSMAN contended that by the Bill the number of parishioners was not limited to three. It simply proposed that three should be the minimum.

MR. DODSON thought the Committee would do well to adopt the clause

as it stood. Under the Church Discipline Act of 1840 the words used were "any party," which might mean anybody.

Amendment, by leave, *withdrawn*.

MR. GOSCHEN moved, as an Amendment, in line 14, to insert after "three," the words "or more."

MR. GATHORNE HARDY said, that he thought the words were quite unnecessary.

MR. RUSSELL GURNEY thought that the words would do no harm, but certainly they would do no good.

MR. ASSHETON CROSS said, any hon. Member who acted as a magistrate at quarter sessions must have noticed how memorials were got up in every parish, and the same course might be adopted in this case. He hoped the number "three" would be adhered to.

Amendment, by leave, *withdrawn*.

MR. BERESFORD HOPE moved, as an Amendment, in line 15, after "parish" to insert—

"and who have been resident householders in the parish during at least the last preceding twelve months."

SIR WILLIAM HARCOURT asked, why they were to be householders. Very often the curate was not a householder. Why was a parishioner to be disqualified because he was a lodger?

MR. PELL said, he could have understood the Amendment, if it had provided that the man should be a resident worshipper.

MR. CAWLEY said, the Committee had already decided that the man should be a parishioner, and that was enough.

MR. BERESFORD HOPE said, he should heartily prefer the word "worshipper" to "householder." No doubt, a lodger might be as good a man as a householder, and a man might be a good man although he slept in Hyde Park. He only followed the analogy of our Constitution, which made a householder an elector.

MR. ASSHETON CROSS would remind his hon. Friend that there was a lodger as well as a household franchise. All they wanted was the guarantee that the persons complaining were *bona fide* parishioners, and he thought they had that in the "12 months' residence."

MR. BERESFORD HOPE said, that was true of boroughs, but there was no

lodger franchise for counties. As the clause stood, the three parishioners might be one strong man and two "dummies." They might be a man and his two sons or servants. He wanted three independent opinions.

Amendment *negatived*.

MR. BERESFORD HOPE moved, as an Amendment, in line 15, to leave out the words "rural deanery."

Amendment *agreed to*.

MR. WAIT, in moving an Amendment, said, he did so for the purpose of giving effect to the Resolution to which the Committee had come during the morning sitting, bringing cathedrals within the scope of the Bill. He proposed that the requisition of three inhabitants of the diocese, addressed to the Bishop, should have the same effect as the requisition of three parishioners in the case of a parish church.

Amendment proposed,

In page 4, line 17, after the word "provided," to insert the words "or in case of cathedrals, any three inhabitants of the diocese who have signed and transmitted to the bishop under their hands the declaration contained in Schedule A under this Act, and who either have, and for one year next before taking any proceeding under this Act have had their usual place of abode in the diocese within which the cathedral is situated."—(*Mr. Wait*.)

Question proposed, "That those words be there inserted."

MR. BERESFORD HOPE trusted his hon. Friend the Member for Gloucester (Mr. Wait) would not press the Amendment, as the question of the cathedrals would be gone into on the 16th clause.

SIR WILLIAM HARCOURT said, that the Committee having determined that "cathedral" meant "church" in the Interpretation Clause, it would be entirely inconsistent with their recent decision to insert cathedrals in the clause. If the proposed Amendment were made, there would be no necessity for retaining the 16th clause.

MR. ASSHETON CROSS said, there was no doubt the 16th clause had been put into the Bill on the understanding that cathedrals were to be dealt with separately, but the alteration now affected in Clause 8 rendered it necessary that they should be regarded merely as larger churches. He always looked upon

the cathedral as the mother church of the diocese—the church which set the example to all the parish churches—and therefore every parishioner within the diocese was interested in seeing that the services there were properly conducted. Moreover, “three resident parishioners,” who would be liable to costs, gave ample security that they would not interfere without solid grounds.

MR. CHILDERS moved, as an Amendment to the said proposed Amendment, the omission in line 3 of the word “either.”

Amendment *agreed to* ; proposed Amendment amended accordingly.

SIR HENRY DRUMMOND WOLFF said, he objected to the omission of Clause 16 as suggested by the hon. and learned Member for the City of Oxford.

MR. BERESFORD HOPE also objected against juggling away their determination as suggested by his hon. and learned Friend.

MR. GOSCHEN said, the clause, having been constructed upon the basis of non-application to cathedrals, would be imperfect if it remained as it was. It should be amended, either to include or exclude them. He would appeal to the right hon. and learned Recorder to state how he regarded the question—whether as the clause was now altered it placed cathedrals and other churches upon the same footing?

MR. RUSSELL GURNEY said, the question had come upon him by surprise, and any other Member of the Committee was competent as he to interpret the provision. He thought, however, the difficulty might be removed, when they reached the 16th clause.

MR. WALPOLE considered that the clause did not apply to cathedrals.

THE ATTORNEY GENERAL FOR IRELAND (DR. BALL) supposed that there were cathedrals in England as in Ireland which were parish churches. He wished to point out that the clause as it stood could not affect cathedrals, inasmuch as neither the archdeacon, the rural dean, or the churchwardens—the persons through whom the complaint was to be made—had ever had any jurisdiction over cathedrals, which were in their nature “peculiar.” He suggested that they should, after the word

“church,” insert the words “other than a cathedral.”

MR. MONK said, he had been in a cathedral when 150 banns of marriage were published; there could be no doubt therefore that that was a parish church. As the Bill was drawn, it was intended to exempt cathedrals; but the Committee had now decided that cathedral churches should not be exempted.

MR. W. E. FORSTER suggested that the clause should be restored to its original shape.

Question put,

“That the words ‘or in case of cathedrals, any three inhabitants of the diocese who have signed and transmitted to the bishop under their hands the declaration contained in Schedule A under this Act, and who have, and for one year next before taking any proceeding under this Act have had their usual place of abode in the diocese within which the cathedral is situated’ be inserted after the word ‘provided,’ in line 17.”

The Committee *divided*:—Ayes 238; Noes 57: Majority 181.

MR. RUSSELL GURNEY, in moving, as an Amendment, in page 4, line 19, after the word “made,” to insert “during the incumbency of the incumbent,” said, the effect of it would be to exempt from the operation of the Bill alterations or additions made without a faculty during that period.

MR. GLADSTONE said, that the right hon. and learned Recorder ought to take the initiative in proposing that the Bill should be made applicable to illegal conduct on the part of the Bishops, as well as to offences committed by incumbents. The Bill had not the slightest reference to the conduct of the Bishops in the performance of Divine Service. He wished to draw attention to the fact that in every parish the Bishop of the diocese had the right to be minister whenever, and as often as he pleased, to the extent even of setting the incumbent aside. That being the case, it seemed to him highly inexpedient, especially in the case of a Bill framed under episcopal sanction, and which had for its object to establish legality in too bare and naked a form, that an immunity so unnecessary and so useless should be established on behalf of the Bishops themselves. That immunity would be at once invidious and unnecessary. He would not himself bring forward a proposal on the subject, as if he did so, he would pro-

bably be met with the objection that there was no machinery to carry it out, and that it would impede the progress of the Bill; but he thought the right hon. and learned Recorder ought to take the matter up and endeavour to remedy, if possible, the imperfection to which he had referred.

Mr. NEWDEGATE said, it was essential that the Bishops should act in conformity with the law; but as the Bill stood, they might stop the very proceedings they had initiated. He hoped words would be inserted requiring that notice should be given to the parishioners of an intention to apply for an order to alter the fabric of the church.

Mr. A. MILLS pointed out that the discussion was wandering from the subject of the Motion. The time might arrive when words relating to the conduct of the Bishop might be inserted; but the Amendment which had been made had no reference to that question.

Mr. BERESFORD HOPE said, that by the common law of the Church, the fabric of the church was in the hands not of the incumbent, but of the churchwardens, with an exception as to the chancel in the case of a rectory; and the clause, in a very quiet way, introduced quite a new principle, by making the incumbent responsible where he had not been so before. He would suggest that the words "and by his direction" should be added to those proposed to be inserted. The incumbent would then be liable and punishable for any illegality of which he might be guilty, but not for the acts of others.

SIR THOMAS ACLAND expressed agreement with the last speaker.

SIR WILLIAM HARCOURT said, he could not see why additions to the fabric of the church, ornaments, or alterations of any kind should be continued if they were illegal. He trusted that the right hon. and learned Recorder would leave the clause as it stood.

Mr. CORDES thought the churchwardens, and not the incumbent, should be made responsible for any illegality with regard to the fabric or the furniture.

Mr. HORSMAN said, that according to the proposed Amendment, parishes would have now power to take proceedings with respect to anything done before a specified time, and he did not think

that such a provision was in accordance with the spirit or object of the measure.

Mr. CAWLEY said, the real offender ought to be dealt with, and, as the right hon. and learned Gentleman had made a mistake in making his proposition, he (Mr. Cawley) should vote against it.

Mr. CHILDERS said, it was foreign to the intention of the Bill to amend the clause in the manner proposed. The second and third sub-sections limited proceeding to offences which had been committed within a limited time, and if the third sub-section were amended in the way proposed by the right hon. and learned Gentleman, there would practically be no remedy in certain cases, because the irregularity might have existed for 10 or 20 years, and it would include a number of things perfectly legal and proper. It would enable any three persons to complain of matters which had occurred during the previous incumbency, and with which the present incumbent had nothing to do. That must be vexatious in the extreme.

Mr. GATHORNE HARDY said, it was quite clear that the incumbent was "the person" intended to be punished, for he was "the person" who would be made responsible by the proposal of the right hon. and learned Recorder. That proposal would allow any person to raise a complaint of a thing as an illegality although it was of the greatest possible benefit to a church. He did not object to some limit of time as to alterations of a church; but he asked anyone who had been connected with alterations in churches, whether the Bishop had not been only too glad if people would attempt to alter a church without asking for faculties? When things were not illegal, it was monstrous that anybody should be allowed to raise what might prove to be a vexatious litigation on the subject.

Mr. GLADSTONE pointed out that the Amendment went beyond the matter of illegalities aimed at by the Bill, to a branch of the existing Ecclesiastical Law which had nothing to do with these illegalities, and recommended that the operation of the clause should be confined throughout to the latter. He trusted that the right hon. and learned Recorder would give effect to that view, so as to keep the clause in conformity with the purpose of the Bill. A faculty, however,

could not be had without a fee, but if there was no fund out of which to pay the fee, there would be a great difficulty in getting a faculty.

LORD HENRY SCOTT agreed in the view of the right hon. Gentleman the Member for Greenwich. He objected to the scope of the Amendment.

SIR WILLIAM HARCOURT said, that the object of the clause was to prevent an incumbent from putting up a high altar in place of a Communion table, and therefore he did not think the Amendment of the right hon. Gentleman necessary.

MR. GATHORNE HARDY suggested that the desired object would be obtained by making the clause read "fabrics, ornaments, or furniture forbidden by law."

MR. CHILDERS said, that instead of the proposed Amendment, he would move that the clause be so amended as to read, "any alteration in, or addition to the fabric, ornaments, or furniture thereof, forbidden by law."

MR. RUSSELL GURNEY thought it very undesirable to exclude fabrics from the operation of the Bill.

MR. DODSON suggested that the difficulty might be met by an alteration of the wording of the section in question, so as to lay open to proceedings any alteration or addition to the fabric or furniture that might have been unlawfully made, or any decoration forbidden by law.

THE ATTORNEY GENERAL FOR IRELAND (DR. BALL) maintained that the clause ought to be without limitation as to the incumbency of any particular incumbent, and should be guarded by the introduction of the words "forbidden by law" or "unlawfully made."

MR. RUSSELL GURNEY said, he would be glad to adopt the words "unlawfully made."

Amendment (*Mr. Russell Gurney*), by leave, *withdrawn*.

Amendment (*Mr. Childers*) *agreed to*.

On the Motion of MR. CHILDERS, Amendment made in page 4, line 20, by striking out the words "without a faculty from the ordinary authorizing or confirming such alteration or addition."

MR. BERESFORD HOPE moved as an Amendment, in page 4, line 23, to leave out "twelve," and insert "six." He did so, because he thought it would

be advantageous to substitute six months for 12, as the time within which the representation should be made. If the archdeacon, churchwarden, or three parishioners, had not found out the unlawful ornament within six months, they ought to have no right to prosecute the incumbent.

MR. RUSSELL GURNEY said, six months would not be sufficient, because the archdeacon ought to have time to receive information.

Amendment *negatived*.

MR. HUBBARD moved, as an Amendment, in line 26, to insert after "Church or" the following words—"neglected to use any prescribed ornament or vesture."

Amendment proposed, in page 4, line 26, after the word "church," to insert the words "or neglected to use any prescribed ornament or vesture."—(*Mr. Hubbard*.)

Question proposed, "That those words be there inserted."

SIR THOMAS ACLAND said, he must decidedly oppose the Amendment as unnecessary.

Question put.

The Committee *divided*:—Ayes 150; Noes 125: Majority 25.

MR. COWPER-TEMPLE, who had to move the next Amendment upon the Paper, said, it was hopeless to expect that its discussion could be concluded at that sitting, and, as it would be inconvenient to adjourn in the middle of the discussion, he should move that the Chairman report Progress.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. Cowper-Temple*.)

MR. DISRAELI said, he should be happy to give every possible facility for the discussion of the Bill, but he thought it was a rather early hour—twenty minutes to one—to report Progress. He hoped the Committee would go on for another hour before reporting Progress.

MR. GLADSTONE said, the Amendment was of some importance, and it was quite plain that nothing would be gained by commencing a discussion upon it, unless there was a prospect of completing it. He was very desirous to

see the Bill go forward without delay, and did not wish to press the right hon. Gentleman (Mr. Disraeli) unduly; but considering that the Amendment was only placed upon the books of the House on the preceding evening, and as the right hon. and learned Recorder could not possibly have had an opportunity of communicating upon it with those he would probably think it his duty to consult, he (Mr. Gladstone) thought they would make much better progress by deferring the discussion. If the right hon. Gentleman would allow them to resume the discussion on Monday, at an hour when they would be able to finish the discussion in the course of the sitting, it would expedite Public Business. [*Cries of "Go on!"*]

MR. COWPER-TEMPLE said, that he had no desire to hinder proceedings; but as it was impossible the discussion could be concluded at that sitting, he believed it would assist the progress of the Bill not to commence it now.

Question put.

The Committee divided:—Ayes 56; Noes 198: Majority 142.

MR. COWPER-TEMPLE said, that he would accept the decision of the Committee, and at once proceed with his Amendment, which was to add, in page 4, line 41, after "representation," the words—

"And it shall be the duty of the bishop on the receipt of the representation to ascertain, so far as he is able, whether the practice specified in such representation is or is not in accordance with the established custom, and whether it is or is not in consonance with the wishes of the members of the Church of England resident in the parish, and with the wishes of the persons attending or desiring to attend the services in such church."

His Amendment arose from the apprehension that the Bill might not only put down Ritualism, which he approved, but also put down the exercise of common sense and reason. The stern enforcement of every iota of the laws which had originated under circumstances different from the present, might revoke several of those improvements in the rubrics which were generally considered necessary or convenient, and which were in accordance with the spirit, though not with the letter, of the law. Many of the rules and directions contained in the Book of Common Prayer were framed to suit the habits and practices of past

times, and not to decide disputed questions of doctrine. Full discretion ought to be entrusted to the Bishop, so that he might be clearly authorized to withhold from the Judge such departures from the rubric as had been sanctioned by general consent and approval. To compel every incumbent to read morning and evening service in the parish church, with an attendance of only three persons, would be instituting an irksome formality, and withdrawing him from other more urgent duties. The interruption of the evening service for the public catechizing of children, was a practice rendered obsolete by the improvement of schools, and its revival would diminish attendance. The recital of the Athanasian Creed had often been omitted by the consent of all the congregation, and there were distinguished clergymen who would prefer secession from the Church to the observance of the rubric, because though they assented doctrinally to the Creed, they objected to impose it upon congregations who would misunderstand it. To prosecute a clergyman, would, under the circumstances, be a public misfortune. By this, and by a subsequent Amendment, he wished to give to the parishioners a voice in the decision of discretionary questions. Many of the difficulties of the Church resulted from its still retaining the old feudal forms and principles. As the State was the nation organized for civil purposes, so the National Church was the nation organized for public worship and religious teaching. It was unfortunate that no popular changes had occurred in the administration of the Church analogous to those Constitutional reforms which had taken place in the government of the State. As Louis XIV. once said—"The State—it is me," clergymen thought—"The Church—it is me." The position of the Bishop was still feudal; he was lord over the clergy, and the clergy over the people, and neither thought it necessary to consult the laity. He should like to see introduced into the Bill some representation of the laity to act with the Bishop, for if the laity had been placed in a position of authority to co-operate with the clergy, many of the disasters which this Bill was designed to remedy would not have arisen. If the State Church had undergone some constitutional changes, such as had been made in the State itself, it

Mr. Gladstone



would have been more in harmony than it now was with the national feeling, and the development of sacerdotalism would not have been so alarming. By a further Amendment he would propose that the Bishop should transmit the representation to the churchwardens, who should convene a meeting of the parishioners. By that means the Bishop would get a knowledge of their wishes which could not be obtained by any private inquiry. Among the facts that would be elements in his consideration, and which would thus be ascertained, would be the established custom of the place and the wishes of the members of the congregation and the resident parishioners. The Bishop would then be able to consider whether the practices complained of were obsolete or not adapted to the circumstances of the parish, and by that procedure his hands would be strengthened in the functions imposed upon him by the Bill. If a complaint were puerile or frivolous, he could exercise a discretion as to allowing it to proceed further; and he was anxious that a Bishop should not be deprived of the fuller powers he possessed, under the Church Discipline Act, of exercising a discretion as to whether a complaint should be sent further for adjudication. The Bishop would continue to be the only responsible person, and must give a reason for his conduct. The proposal could not involve the continuance of any serious breach of the law, and it would help the Bishop in the exercise of a discretion demanded by public opinion. That which constituted the real grievance in respect of many Ritualistic innovations was that they were changes introduced by the incumbent against the wishes of the congregation, and the indignation often arose, not from the change itself, but from its having been made without the assent of the people attending the church. For these reasons, he begged to move the first of the Amendments of which he had given Notice.

MR. DILLWYN said, he would move to report Progress, and in doing so, would refer to the amount of work which the House had got through during the week. They had sat since 2 o'clock on the previous day, and it was not unreasonable 12 hours afterwards and at the end of the week, to ask the House to report Progress.

Motion made, and Question proposed, "That the Chairman report Progress, and ask leave to sit again."—(Mr. Dillwyn.)

MR. DISRAELI said, he would not oppose the Motion to report Progress, were it not that he thought there was a very general feeling in the Committee in favour of coming to a conclusion on the question under discussion. Surely in the course of another hour they could have sufficiently discussed the Amendment, for he believed the majority of the Committee were not in a mood to discuss it, as they were quite opposed to its purport.

MR. HUBBARD regarded the Amendment as a very simple one. It merely gave the Bishop instructions how to act in certain circumstances. The House was, he thought, now in a position to come to a decision respecting it.

MR. BERESFORD HOPE said, he could not look upon the question raised as simple. It was one which deserved, and, he hoped, would receive further consideration.

MR. GOSCHEN said, that unless Progress were reported, it would be better for all the Amendments on the Paper to be dropped; for the Bill to be allowed to pass through Committee, and for the Amendments to be revived upon the Report. As it was, it would be impossible for that most important Amendment to be discussed at such an hour (twenty minutes past one o'clock.)

SIR WILLIAM HARCOURT said, he could not concur in the view just expressed by his right hon. Friend, and for this reason—that the question before the Committee was not a new one. It was, in point of fact, that which was in the fourth of the six Resolutions of his right hon. Friend the Member for Greenwich. Was it to be said that if the parish wished the minister to perform the Mass the performance of the mass was therefore to be regarded as legal? If that were so, the parishioners, and not the Legislature, would be the makers of the law.

MR. W. E. FORSTER said, that it was not because his right hon. Friend the Member for Greenwich had withdrawn his Resolutions, that the House should be taken to have discussed the principle they involved. He could not think that the country would be satisfied if at half-past one o'clock in the

morning they—at that period of the Session—adjourned the debate.

Mr. SANDFORD protested against the question of the Mass being introduced into the discussion as it had been by the hon. and learned Member for Oxford. ["Order!"]

THE CHAIRMAN reminded the hon. Member that the question before the Committee was the adjournment of the debate.

Mr. SANDFORD said, that being so, the argument to which he was about to reply when called to Order was extremely irregular.

COLONEL BARTELOT believed that if the Committee came to a decision upon the subject at that time, it would save a great deal of time hereafter.

Mr. GLADSTONE said, that he had withdrawn the Resolutions, in order that the questions they raised might be altogether severed from the progress of the present Bill. That was a question in respect to which the House had not merely to consider the discussion among themselves, but it was also desirable that the public should be informed of what hon. Members were doing. If they debated the matter from that time until 3 o'clock in the morning, full justice could not be done to it, and of what avail or profit would it be as far as the country was concerned? The continuation of the state of illegality which had been referred to by his hon. and learned Friend the Member for Oxford was one which could only be properly interpreted by reference to the entire history of our Church since the Reformation. In his judgment, it would be necessary, or at least desirable, to renew the discussion on the Report, and to take that opportunity of explaining a matter of great importance, under such circumstances that the country would be likely to obtain information of what hon. Members were about, which it could not do, if the course proposed were persisted in. Perhaps it might be necessary to move the re-committal of the Bill.

Mr. DISRAELI said, that after the statement of the right hon. Gentleman he would consent to Progress being reported. With regard to the further progress of the Bill, he might state that the Government intended to proceed on Monday with the Endowed Schools Bill in Committee. If it passed through Committee on that day he would propose that this Bill should be proceeded with on Tuesday, and he

*Mr. W. E. Forster*

should also ask the House to continue the discussion of it in Committee on Wednesday, if necessary.

Mr. GLADSTONE suggested that it would be more convenient to proceed with the present Bill on Monday, and to postpone until Tuesday the consideration in Committee of the Endowed Schools Bill.

Mr. DISRAELI said, he could not adopt the suggestion of the right hon. Gentleman, as he had to look at the relative positions of the two Bills with regard to the other House of Parliament. The Public Worship Regulation Bill had already passed the House of Lords, whereas the Endowed Schools Bill had not.

Question put, and agreed to.

House resumed.

Committee report Progress; to sit again upon *Monday* next.

#### PRIVATE LUNATIC ASYLUMS (IRELAND) BILL.

On Motion of Mr. WILLIAM HENRY SMITH. Bill to amend the Law respecting certain receipts and expenses connected with Private Lunatic Asylums in Ireland, ordered to be brought in by Mr. WILLIAM HENRY SMITH and Sir MICHAEL HICKS-BEACH.

Bill presented, and read the first time. [Bill 215.]

House adjourned at a quarter before  
Two o'clock till *Monday* next.

## HOUSE OF LORDS,

*Monday, 20th July, 1874.*

MINUTES.]—PUBLIC BILLS—*First Reading*—Infanticide \* (184); International Copyright \* (185); Conveyancing and Land Transfer (Scotland) \* (186).

*Second Reading*—Rating (158).

*Report*—Factories (Health of Women, &c.) \* (143); Vaccination Act, 1871, Amendment \* (161); Chain Cables and Anchors \* (157-188).

*Third Reading*—Working Men's Dwellings \* (183); Colonial Attorneys Relief Act Amendment \* (134), and passed.

#### H.R.H. PRINCE LEOPOLD.

##### MESSAGE FROM THE QUEEN.

*Delivered* by The LORD PRESIDENT, and read by The LORD CHANCELLOR, as follows:—

"VICTORIA R.

"Her Majesty being desirous of making competent provision for the honourable support and maintenance of her fourth son, Prince Leopold (George Duncan Albert, on his coming of age, relies upon the attachment of the House of

Lords to concur in the adoption of such measures as may be suitable to the occasion.

“V. R.”

*Ordered*, That the said message be taken into consideration on *Thursday* next.

# RATING BILL—(No. 158.)

(*The Lord President.*)

## SECOND READING.

Order of the Day for the Second Reading, read.

THE DUKE OF RICHMOND, in moving that the Bill be now read the second time, said, the measure was one of so great importance that he thought their Lordships would require no apology from him if he asked them to bear with him while he brought its various provisions under the consideration of the House, and stated some few of the reasons why the Government had thought it necessary to deal with the question. The subject of this Bill was one which had been frequently before Parliament; and no further back than last Session Her Majesty's late Government introduced a Bill dealing with the question. That Bill did not pass their Lordships' House—partly because their Lordships considered it was only the fringe of a larger measure, and partly because of the late period of the Session at which it was introduced. Their Lordships, therefore, thought the subject should be withdrawn for a time, and brought forward on a future occasion. He hoped that the arguments which he had now to adduce would commend the measure to their Lordships' favourable consideration, and that they would consider it just and expedient to pass it. The present Bill was very different from the one which was before their Lordships at the end of last Session—in fact, the complexion of the question had been completely altered since that time. In the present Session the Chancellor of the Exchequer found himself able to contribute largely to the rating of the country—and it was perfectly obvious that if he did so contribute, it would be impossible that property which had not hitherto been brought within the rating area should continue to be altogether left out. According to a statement made by him in the other House of Parliament, the Chancellor of the Exchequer proposed to contribute a considerable sum towards the cost of the lunatic poor; and he also

proposed to contribute a further sum of £600,000, in addition to the sum of £600,000 now paid by the State towards the expense of the police. His contribution towards the lunatic asylums would be £400,000; so that, in aid of these institutions and the maintenance of the police, the sum to be paid by the State would amount to £1,000,000. He was sure noble Lords who took an interest in county matters would appreciate the course adopted by the Chancellor of the Exchequer, because they knew that in the expenses of a county the charge for the lunatic poor was a very large one, and one that was perpetually increasing. Those who had to assist in building lunatic asylums were aware that structures which were sufficiently capacious 20 years ago had now to be considerably enlarged; and he knew of no expense which caused more trouble at Quarter Sessions than the expenditure connected with the care of the lunatic poor. But the contributions of the Chancellor of the Exchequer to the local rates did not stop with the two items which he had stated to their Lordships. The right hon. Gentleman proposed that £170,000 more should be contributed, not to the poor rate alone, but to all the rates now levied in the country. The contribution now made to the poor rate alone would, when increased as proposed by the Chancellor of the Exchequer, be made to all the rates. In 1860 there was no contribution by the Government of any sort towards the rates of the country—or only a very small one. In 1859 his right hon. Friend Mr. Sotherton Estcourt brought in a measure to deal with the subject; but it was dropped. There was a change of Government, and the new Government took up the matter. Since they did so, there had been a partial contribution by the Government towards the rates of the country. At first the sum contributed, by the means of Parliamentary grants, amounted in England to only £35,000; but at present it was something over £63,000, divided under several heads—namely, Naval and Military Establishments, £36,400; Commissioner of Works, £17,500; the Revenue Department, £7,400; Convict Prisons and Fortifications, £1,760. There was, however, this difficulty in respect of the contribution of the Government under these various heads—namely, that it was entirely at the will and pleasure of the Government. They acted, as it were,

by a sort of rule of thumb, and confined their contributions to parishes in which the State owned one-sixth of the whole property of the parish. Now, though such a system might have been gratifying to those parishes in which the State held large property, it was very distasteful to those parishes in which the State did not hold one-sixth, and the latter felt themselves unable to appreciate a distinction so decidedly to their disadvantage. The practical result had been, that very large establishments of the Government escaped paying anything towards the taxation of the country. The Chancellor of the Exchequer now proposed to contribute towards the rates of every parish in which the State had property, whether large or small—whether the establishment consisted of a dockyard, or of a post-office, or a coast-guard station. It might be right that he should read to their Lordships a copy of “a Minute of the Board of Treasury on Contributions to Local Rates in respect of Property in the Occupation of Her Majesty’s Government.” It bore date the 25th of June, 1874, and was in these terms—

“The Chancellor of the Exchequer brings before the Board the engagement given by him to Parliament on the occasion of proposing his Budget for the year 1874-75, that property in the occupation of the Government, including property under the control of Her Majesty’s Commissioners of Woods, &c., and not in the occupation of any other occupier, should, throughout the United Kingdom, bear its due share of all local burdens; and he submits that, for this purpose, the valuations of such property as are now acted upon be ordered to be corrected (so far as they require it) up to the present time; that valuations be made in like manner of all such property in respect of which contributions to the local rates are not now paid; and that, as soon as possible, a Return be completed, and laid before Parliament, setting forth:—1, The name of each parish in which the Government occupies property; 2, the rateable value of such parish, exclusive of the said property; 3, the extent and character of such property; 4, the valuation put upon such property for local rating; 5, special Acts of Parliament (if any) applicable to the case.”

That Paper being laid before Parliament, anyone thinking that the contributions made in any particular case were not fair and just would be afforded an opportunity of having attention called to the matter. He found that the Government had been in the habit of contributing to the rates in England a sum of £63,060. In future the contribution in England would be £200,000. In Ireland it had hitherto been £1,469; in future it would

be £22,000. In Scotland it had hitherto been £486; in future it would be £13,000. The total contributions for the three countries was now £65,015; in future it would be £235,000. Under these circumstances, the Government had thought it necessary to deal with three species of property which hitherto to a great extent had been exempt from rating—plantations or woods, right of sporting, and mines other than coal mines. With regard to plantations they had not been brought within the Act of Elizabeth or within subsequent rating Acts because, perhaps, it had been thought desirable to encourage by that means the growth of timber in times when our ships were made of that material. It had not been so in Scotland. In that country plantations and woods, including underwood, were already rated under the Land Valuation Act the 17 & 18 *Vict.* c. 91; so that this was not the introduction of a new principle. The 4th clause of the Bill provided for the manner of the valuation of land used as plantation. It provided as follows:—

“(a.) If the land is used only for a plantation or a wood, the value shall be estimated as if the land instead of being a plantation or a wood were let and occupied in its natural and unimproved state. (b.) If the land is used for the growth of saleable underwood, the value shall be estimated as if the land were let for that purpose. (c.) If the land is used both for a plantation or a wood and for the growth of saleable underwood, the value shall be estimated either as if the land were used only for a plantation or a wood, or as if the land were used only for the growth of the saleable underwood growing thereon, as the assessment committee may determine.”

Clause 6, which related to the valuation and rating of rights of shooting, was one respecting the bearings of which there was much difference of opinion, and he thought this was owing to the fact that the exact bearing of the existing law was not sufficiently appreciated by some who had discussed the subject. Under the existing law, where the owner or the tenant retained the right of sporting, whatever might be its value, the Assessment Committee was bound to take it into account. Again, where the owner of the land let the right of sporting, it was rated. But there was a case in which the right of sporting would not be rated under the existing law. That was where the owner let the land and reserved to himself the right of sporting; there was no means, under the existing law, of rating that right of sporting.

There might be three farmers in one parish, each of which would come under a different one of the three cases which he had just put to their Lordships. There might be a case in which the occupier was the owner of the farm and retained the right of sporting. Then there might be another in which the tenant was the occupier, and the owner had let the right of sporting. In both those cases the right of sport would be taken into account by the Assessment Committee. But there might be a third case, where the owner of land in occupation of a tenant reserved to himself the right of sporting, and in this case, under the existing law, the Assessment Committee would not be able to take that right into account. But it was certain that the value of the farm would be diminished by the value of the right of sporting reserved by the owner. The object of the 6th clause of this Bill was to put an end to the anomaly illustrated by the three cases he had put to their Lordships. Under its provisions the right of shooting reserved in the third case would be rated as the right in the two other cases now were. It was inaccurate to say that this was the introduction of any new principle. Assessment of the right of sporting existed at the present time. All that was proposed was amendment, as these words of the clause fully showed:—

“Where any right of fowling or of shooting, or of taking game or rabbits, or of fishing (herein referred to as a right of sporting) is severed from the occupation of the land and is not let, and the owner of such right receives rent for the land, the said right shall not be separately valued or rated, but the gross and rateable value of the land shall be estimated as if the said right were not severed; and in such case if the rateable value is increased by reason of its being so estimated, but not otherwise, the occupier of the land may (unless he has specifically contracted to pay such rate in the event of an increase) deduct from his rent such portion of any poor or other local rate as is paid by him in respect of such increase; and every assessment committee, on the application of the occupier, shall certify in the valuation list or otherwise the fact and amount of such increase.”

The rating of mines was a question which had occupied the attention of both Houses of Parliament. So far back as 1850 a Select Committee of their Lordships' House made a Report, in which this opinion was expressed:—

“That it is expedient that all mines should be assessed as coal mines are now assessed, inasmuch as the exemption from rates of mineral

mines is founded on no sound principle, and depends upon the form of agreement made between landlord and tenant.”

And in 1856-57 a Select Committee of the House of Commons reported—

“That the liability of mines to be rated was full of anomalies. That there was no valid ground for the distinction now existing. That as long as coal mines and quarries are rated there was no reason why all other mines should not be put on the same footing.”

The exemption of mining properties had given rise, from time to time, to strong expressions of dissatisfaction in different parts of the country. In some agricultural districts the use made of the roads for traffic to and from mines had considerably increased the charges on the rates, to which those mines contributed nothing. In Ireland and Scotland mining property was rated. Again, though royalties, if paid in kind, were rateable, where they were taken in money they were not rateable; so that now it was perfectly competent for the owner of royalties to obtain an exemption. He had only to take his royalties in money instead of in kind. This Bill would extend rating to mines other than coal mines. There was a valuable provision respecting contract contained in this Bill which was not in the Bill of last year. He thought he had now described the various reasons which had induced Her Majesty's Government to propose that measure. He was afraid that the details with which he had troubled their Lordships were somewhat dry and tedious, but it was necessary that he should state them, in consequence of their being so much mixed up with the financial proposals of his right hon. Friend the Chancellor of the Exchequer. The Bill would render liable to assessment several descriptions of property not hitherto brought within the area of rateability, and by that means they would relieve the rate-payers of an anomaly and an injustice to which they had been for some time subject, and against which they had a fair ground of complaint.

*Moved*, “That the Bill be now read 2<sup>a</sup>.”  
—(*The Lord President*.)

THE EARL OF KIMBERLEY said, the noble Duke (the Duke of Richmond) undoubtedly had one advantage over him in moving the second reading of that Bill—namely, that he moved it on the 20th of July, whereas last year he himself moved the second reading of a similar

measure on the 25th of July. He would not follow the noble Duke through this interesting statement with regard to the proposals of the Chancellor of the Exchequer for aiding local rates from the Imperial Exchequer, because he understood it was the intention of the Government to deal on a large scale with the subject of local taxation next year, and he desired to defer giving his opinion until he saw the whole scope of the new system which the Government proposed to lay before the country. As to the particular arrangements proposed in the present Bill, it was not probable that he should raise much objection to them—for the simple reason that in regard to those three subjects of mines, woods, and sporting rights there was really no material difference between the present Bill and the one of last year. It was a great improvement, and a thing much desired in the country, that mining property should be brought under assessment, and the owners of mines themselves approved that proposal. With respect to the rating of woods, he need only remark that those who thought a very considerable amount of property would be brought under assessment by that measure would be much disappointed. As to the assessment of game, he had never been able thoroughly to satisfy himself on the subject. The present proposal was the same as that made last year, which was carefully considered by himself and his right hon. Friend, then at the head of the Local Government Board (Mr. Stansfeld). It appeared therefore that noble Lords opposite had not found that any better arrangement could be made on that matter. He had always been of opinion that land upon which timber was grown should not escape assessment; and as the scheme proposed for its rating was identical with that he had proposed himself it would be superfluous for him to attempt to say anything about it. He hoped the Assessment Committees would be able to work all these complicated arrangements successfully. The question of rating Government property was dealt with in the Bill of last year. He was not prepared to say that the arrangement made by the present Government on that point was not somewhat more satisfactory. Last year they proposed that the Bill should simply lay down the liability of all Government property to be rated, and that then the Treasury should sub-

mit schemes to Parliament as to the amount at which the different properties should be rated. That, of course, left it much in the power of the Treasury and of Parliament to rate the property as they might deem proper. That was not very different in principle from what the Government now contemplated. They proposed to bring all Government property under contribution, only they would take the initiative at once without a Bill, and the Treasury would deal with the matter by Votes to be laid before the House of Commons for its assent. He would only add that he regretted noble Lords opposite did not allow the Bill of last year to pass, seeing that when they came into office themselves they proposed nothing substantially better.

LORD HENNIKER said, he hoped their Lordships would not think him too presumptuous in making a few remarks on this measure. Their Lordships had given him a hearing on this Question last year, and he did not wish to presume upon their kindness. However, there were many in the House, he believed—and he knew there were many outside it—who agreed with him in the view he took, and he did not think he should be doing what was right towards them, and to some of those with whom he acted last year, were he to allow the Bill to pass by unnoticed. Their Lordships would, he hoped, give him credit for taking a great interest in this difficult question, and if he should speak too strongly upon any point he trusted that they would know that it was quite unintentional on his part. He had last year asked their Lordships to reject the Bill of the Government then in power, because it was unworkable in many of its provisions, because it was so late in the Session that it was impossible to deal with it satisfactorily, and because—and this was the principal reason—it was a mere fragment, the remnant of three measures introduced—of what were acknowledged to be measures which touched only the fringe of a great question. On these grounds he had the support of several of the noble Lords who now occupied the front bench. The present Bill was, he admitted, an improved Bill; it simply omitted one or two important points which were not dealt with satisfactorily in the Bill of last year, and which it was the endeavour of the late Government

to deal with. It omitted the rating of Government property; the plan of last year was an impossible one, it was true, and the present Government had increased the sum already given for this purpose to a large extent by a Treasury Minute; but a matter of so much importance in some localities should have been dealt with in a Bill of this kind. A Treasury Minute might be over-riden by another, and by employing a good valuer in two or three cases a plan could have been arrived at very easily. Here, too, was more of that piecemeal legislation, to which noble Lords greatly objected last year. It was only proposed to vote this larger sum, for a few years at the most, till some permanent arrangement could be arrived at, and surely it would have been much better to wait till such an arrangement could have been hit upon. He was sorry the Bill omitted to deal with the rating of scientific and literary societies. The poor societies paid rates now, while the rich ones went free. In other respects—that was to say, except in omissions—the Bill was pretty much the same, and if the Bill of last year was a fragment, this was not only a fragment, but a mere shadow of the fragment of last year. It was a very puny child of a puny child of the late Government, and he regretted extremely it had been adopted. Of course, something had been done this year to relieve local rates, but the relief was small. It would have been far better to have taken the maintenance of the police entirely off the local rates. Each additional grant gave the central authority greater power; and while the rates were relieved the expenses were often unnecessarily increased under threat of reducing the grant. Only the other day in his own county a reserve of police was recommended—a good thing, but the ratepayers would hardly be repaid for the extra expenditure. This was small, no doubt, but it was one of many and ever-recurring instances of recommendations from head-quarters which, in consideration of the grant, it was difficult not to follow. They were sometimes, however, more grants in name than in any other sense. It was the same with the prisons. The recommendations for altering the cells and for altering the arrangements were so frequent, that he had been told by the Governor of a very well managed gaol, that it would in the long run be far

better for the county in which it was situated not to take the grant at all. It would be far better to take the whole of the burden off the hands of the local authorities in one or two cases, and leave them to pay for the other matters entirely themselves. A good system of inspection could always be established, and would be welcomed, grant or no grant, by local authorities. Nothing was of more national importance than the police force, nothing required more one central control; for, good as the force was in some places, it was equally bad in others. He thought, if the Bill of last year was a bad one—and it was rejected on the ground of its being a very small measure, which put forward no plan for the future re-adjustment of local taxation—that his argument that, if found necessary, the Bill of last year would be passed in a very short time, but ought not to be passed till a far larger plan was before the House, would doubly apply here; for this was a much smaller Bill, and if it was necessary to pass it, when the proper time arrived, surely it could be passed in a shorter time than the Bill of last year, dealing, as it did, with much fewer subjects. He believed the Bill was a small matter in itself, but it would raise difficulties and bad feeling, and probably lead to litigation. It was to be a boon to a certain class, but it might turn out to be the reverse; in fact, it might lead to a re-valuation in many instances, and more often than not to an increase in rent far greater than any advantage gained. However, it was useless for him to do more than make this protest, for the Bill was a Government measure. He could hardly expect noble Lords opposite to repudiate their own work, and had he moved the rejection of the measure he would only have put their Lordships to the trouble of dividing to no purpose. He would, however, make a few brief remarks on one or two of the provisions of the Bill before he sat down. First came the question of the rating of timber. He ventured to point out last year that the clause would act unfairly, were the tenant of a wood rated for the timber instead of the underwood, where he had no power of cutting timber, underwood being far less valuable where timber was grown with it, and the Assessment Committee being quite certain to take the highest value. He ventured to point out that copyhold tenants would pay the whole

rate without power of redress; and this could easily have been avoided. These might be small matters, but a rating Bill should be precise, whether in leaving matters entirely to Assessment Committees, or in laying down rules for their guidance. He should, therefore, have liked to say—no land should be rated for timber, at present liable to be rated for saleable underwood. There would have been no difficulty then; all woods would be rated, no one who had hired a wood, without power of cutting timber, would have anything to complain of, and the Bill would be improved. Much was said about not trusting Assessment Committees. It was true it would be far better to pass an Assessment Bill before any alteration was made in the incidence of local taxation, and he felt strongly on this point; but if they were to legislate under existing circumstances he should not be afraid to leave a great deal to the discretion and judgment of the Assessment Committees. The clause, however, stood otherwise, and he should like to ask, what exactly was the natural and improved value of land?—how that expression was to be defined? He had had the curiosity to ask two very good valuers in his own county, how they would interpret the clause? They both said the actual value of the land as it was before it was planted; so that a piece of pasture of the yearly value of £3 an acre would be rated at that value. He believed these words to mean the value of the land in an unimproved condition, without draining, buildings, gates, fences, and so on, and that the mere planting of trees was not intended to mean—and it certainly was not the case as a general rule—an increase in the value of the land. On the other hand, the value of the surrounding land might be taken, whereas very often a bad bit of land was planted because it was not worth cultivating. He had a small wood on his property of about 6 or 7 acres. It was simply a sand-hill. An ozier bed at the bottom of the hill let at a fairly high rent, and all the land round it was worth from 34s. to 35s. an acre. In another case, a noble Friend of his had a piece of land which he had planted many years ago. The tenant of the farm asked him to take it off his hands, saying that he would rather be without it, and would as gladly pay the same rent for the farm without

*Lord Henniker*

it, as with it. How was this to be rated? It was almost valueless; but was it to be rated as if it were as good as the surrounding land? He did not say this would often be the case, but it might sometimes, and he believed the difference of opinion among valuers and Assessment Committees would be so wide that the Bill would lead to trouble and litigation. Why should there not be some clear definition of these words? They might be clearly explained in the House, but they ought to be explained in the Bill, for the information of those who would really carry out its provisions. So with regard to game. What was the full lettable value of the land? This was what the Bill intended to lay down; but it ought to have laid it down more distinctly, or have left it entirely to the Assessment Committees. He had no objection to the principle of rating game, but in all cases where a difference of opinion was likely to arise the provisions of a Bill of this kind ought either to lay down unmistakable rules, or leave it to the local authority to apply the Bill as best they could. He hoped the clauses allowing deduction of rates were sufficiently guarded; but he must remind their Lordships that no agreements could possibly exist at the present time relating to matters dealt with in the Bill, and interference, even in the smallest degree, with freedom of contract was a dangerous precedent. Of course, there were exceptional cases; the mines clauses were agreed to by all concerned, and ample time had been given during the last year for any objection to be made. This case was, therefore, a different one, and he wished the Bill had been confined to those clauses. On the grounds he had stated he wished the Government had not taken up the Bill, except to the limited extent he had mentioned. He believed the Bill, as it was, would not work well; he believed it would cause unnecessary ill feeling, with little or no result; but he especially regretted its introduction, as one of those who wished to see a thorough and complete revision of local taxation, and as one who disliked piecemeal legislation on all occasions, complicating laws which ought and might be consolidated, and particularly on a great question about which there was a very strong feeling in the country.

THE EARL OF STRADBROKE, who was very indistinctly heard, was under-



stood to say that, in his opinion, land ought to be rated for what it was worth as land, independently of what was grown upon it.

THE EARL OF AIRLIE said, he was quite at a loss to see how the Government proposed to ascertain the value of land used as plantation; nor did he see how the tenant was to ascertain how much of the rate he was to deduct from his rent in respect of the increase of the rateable over the gross valuation.

THE DUKE OF RICHMOND explained that where the owner of land let it to a tenant, but reserved the right of sporting, the right of sporting would not be separately valued but the gross and rateable value of the land would be estimated as if the right were not secured, and if the rateable value were increased by the valuation, the tenant would deduct from the rent the amount of rate paid by him in respect of such increase. If the tenant thought he was unfairly rated he could apply to the Assessment Committee, who would adjust the amount of assessment derived from the right of sporting.

LORD WALSINGHAM said, the Bill attempted to effect an object which had long been contended for by a large body of the ratepayers throughout the country—that certain kinds of property having a distinct and undoubted money value should contribute to the poor-rates of the districts in which they were situated, and no longer enjoy immunity from those burdens which, owing to increased and additional charges for national purposes, had of late years weighed so heavily upon other property on which they had fallen. What were the objections that had been urged against the Bill? First, it was objected to because it was, as it were, an adopted child—a nestling plucked by the present Government from the pigeon-holes of their Predecessors, and presented as a new and distinct variety. It was not unusual for both parents to take part in the process of incubation, and he was, therefore, surprised that any jealousy should be felt because of the anxious care with which their Lordships, on both sides of the House, had sat over this Bill. It would, he thought, be acknowledged that the Bill was in many respects a very considerable improvement upon that of last Session. It was not one of a batch of Bills; it did not propose, like the Bill of last Session, to do what was necessary

by a method the success of which depended upon the doing of something else, but a Bill that stood upon its own merits, dealing with three specific objects in no way dependent upon such further and future legislation as might be considered necessary to adjust the incidence of local taxation. He knew what the feeling in certain parts of the country was upon this and kindred subjects, and he did not hesitate to say that if the Government had not taken up this subject and dealt with it in a fair and liberal spirit, it would have been said that, in spite of the professions of their party, and the hopes held out of assistance admitted to be only just and reasonable, they were not really anxious to alleviate the burdens which pressed so heavily upon the agricultural community. It was contended very forcibly in the House of Commons last year that a measure of this kind should not be sanctioned without a principle of rating being clearly laid down, which could be carried out by the Assessment Committees according to certain definite rules. He claimed for the present one that it was framed in accordance with many valuable suggestions made during the progress of the debate on the subject in the House of Commons last year. As regarded the right of sporting, it would be clearly understood that it was not the game, but the privilege of pursuing it, which was taken to possess a money value applicable to the purposes of this Bill. Where an owner or occupier let the right of shooting, but retained the occupation of the land, he was liable and ought to be rated under the existing law in respect of the amount for which the shooting was let, and it seemed not unreasonable, since the value of the right was already so acknowledged, that it should be equally liable to assessment when let by the owner to a tenant other than the occupier, or retained in severance from the occupation. There were many considerations which might induce an occupier to offer higher rent for land upon which he could exercise a right of sporting. His farm might be subject to injury and depreciation by the excessive preservation of game, and if he could himself exercise the right of sporting, the depreciation might be considered to be removed, for by killing off the game he would be able to realize the full agricultural value of the land, and that value was what the Assessment Committees

under this Bill would be enabled to put upon it. Perhaps the portion of the Bill on which less difference of opinion existed than on any other was that which related to the assessment of mines. If coal mines were already rated, why should metallic mines be exempt? And when the royalty of all mines if paid in kind was already rated, why should it not also contribute to the rates if paid in money? There was one objection that was urged against the Bill of last year which, if it were an objection at all, would be equally applicable to this. It had been argued that it contained a dangerous provision by which it was proposed to over-ride existing contracts; but if the lessee of a mine had specifically contracted to pay the rate in the event of such a rate being imposed, this contract was respected by the Bill. It was only in cases where such a burden had not been specially anticipated by agreement that, as a new charge, it was proposed according to numerous precedents to divide it between the owner and the occupier; and upon this point the lessors and lessees of mines were for the most part equally agreed. He trusted the Bill would be accepted by the House as a measure which overcame in the best possible manner the difficulties which existed in determining the basis upon which certain kinds of property were to be assessed. Those difficulties, owing to the varying and uncertain nature of the circumstances which controlled and influenced the value of such property, had not hitherto been successfully dealt with by legislation; but in this Bill he ventured to think they had been fairly overcome.

THE MARQUESS OF BATH said, he was afraid Her Majesty's Ministers were a little too apt to forget that the change in the political feeling of the country which had so strongly manifested itself at the late General Election was due to the dislike which the people had to the measures of their Predecessors; and that if they were anxious to merit and maintain their present position they must show a little more confidence in themselves, and not think to retain strength and power by searching into the pigeon-holes of the various departmental offices for the discarded measures of their Predecessors—of which this Bill was one—and would rather mistrust the recommendations of those permanent officials who had so largely contributed to the

*Lord Walsingham*

downfall of the late Government. The rating question had, no doubt, created great interest throughout the country. It might be divided into two questions. The greater question of the two was the hardship inflicted by the pressure of the rates on the agricultural interest and on that interest alone, and with that question the Government did not propose to deal. The lesser grievance arose out of the fact that, whereas the larger portion of the agricultural interest paid the rates, certain other property, such as woods, mines, and game, escaped untaxed. With this lesser grievance the present Government, like their Predecessors, did propose to deal. But there was this difference—that the country believed that the present Government would also deal with the larger question, while they placed no confidence in the late Government. Though in some of its details with respect to the rights of fishing and sporting it was open to objection, he approved the principles of the Bill now before their Lordships, in the belief that it was only a portion of a larger scheme to be introduced hereafter.

LORD KESTEVEN suggested that there would be great difficulties in the way of rating floating and flying property like fish and game, and believed that unless they were very careful they would give occasion for much perplexity and litigation.

THE DUKE OF RICHMOND pointed out that the Bill proposed not to rate game, but to rate the right of sporting, the value of which could be determined with sufficient accuracy without much difficulty. If the shooting or fishing were of no value, it would not, of course, become rateable. The noble Marquess (the Marquess of Bath) had been rather hard upon the permanent officials of the country. They were a most valuable set of men, and what they did was to lay all the views for or against a question before the Ministerial heads of Departments, leaving them to decide. There was no ground for saying that the Government were unduly influenced by the permanent officials. Neither was there any ground for supposing that the present Government intended to *bouleverser* all the institutions of the country, because their Predecessors might have meditated some further changes on the subject of local and other rating. When the Government were prepared to contribute to the local rates in respect of

all Government property, wherever it might be situated, some such Bill as the present became absolutely necessary.

Motion *agreed to*; Bill read 2<sup>d</sup> accordingly, and *committed* to a Committee of the Whole House on *Thursday* next.

# ARMY—MILITIA RETURNS.

## OBSERVATIONS.

THE EARL OF LIMERICK rose (1.) to call attention to the Returns relating to the Militia, dated respectively 15th May, 1874, and 15th June, 1874; and to ask the Under Secretary of State for War, whether the inducements to re-enrol now offered to militiamen are less than those offered prior to December, 1873; and, if so, to what extent; (2.) also whether it was in contemplation to increase such inducements; and also to call attention to the constitution of the permanent staffs of militia regiments, both as regards numbers and mode of appointment, and to the amount of pensions granted for long service in the same. It appeared from an analysis of these Returns that there had been a falling off in the enrolment of recruits in two months of the present year—namely, February and March, as compared with the enrolments in February and March of the preceding two years; and a still more remarkable falling off in the re-enrolment of men after their first term of service had expired. He was anxious to hear from the noble Earl the Under Secretary for War some explanation as to what he supposed to be the cause of the remarkable falling off in the re-enrolment of men. Men who re-enrolled showed a preference to remaining in the Militia to joining the regular Army; and it was of great importance that inducements should be held out to them to re-enrol. It appeared, also, that the desertions had been very large. In 1873, 25,000 recruits were enlisted, and, according to the Returns, the desertions amounted to 10,000. He trusted Her Majesty's Government would devise some plan to prevent such a loss of men, and also to induce the men whose service had expired to re-enrol. The truth was that these men constituted the strength of the Militia force. There had also been a very great number of men absent from training in 1873. The establishment was about 126,000, and the number of men enrolled on 1st May

1873 was 111,256, but there were only 92,089 men present at the trainings. As to the Permanent Staff of Militia regiments, he might observe that under the old system the Staff of Militia regiments was so kept up that they were really ready for service at any time; and there was an advantage in this, because however quickly they might be able to manufacture ordinary militiamen, yet it was by no means an easy matter quickly to manufacture good non-commissioned officers. He thought that great mischief was likely to arise from decreasing the Permanent Staff of Militia regiments—especially in reducing such appointments as those of the orderly-room clerk and the paymaster sergeant; because it was really impossible to work a regiment properly without the aid of such persons. Another circumstance was, that it had been found of great practical advantage to allow Volunteer sergeants to join the Permanent Staff of Militia regiments, one advantage being that they were the best recruiters that could be got. He hoped that some means would be found for allowing a certain number of these men, if properly qualified, still to join the Staff. Another ground of complaint was, the miserable amount of pension which was given to the members of the Permanent Staff at the end of a long and loyal service. When they left the service, they were usually unfit for and unable to obtain any permanent employ, and their families had no prospect of relief but the poor-house. The maximum pension was 5*d.* a day after a service of 20 years, the amount, he believed, not having been altered since 1796; and this small amount of pension tended, in his opinion, seriously to deteriorate the efficiency of the Staff. He should like to hear some explanation of the cause of so many men being absent without leave from their regiments as the Returns showed.

THE EARL OF PEMBROKE said, that as to the great number of men in the Militia who had leave of absence a year or two ago it arose from the fact that several regiments were ordered out, and they were only allowed to take with them a certain number of the men. The noble Earl had given a perfectly accurate statement with regard to the inducements to recruit and re-enrol. The inducements to recruit had not been very much diminished. The pay was about the same as before; but the in-

duancements to 're-enrol had been most seriously diminished, and in consequence the re-enrolment had not gone on so well this year as could have been desired. The whole matter would be thoroughly considered whenever the training was over and the Reports had been sent in. With regard to the second Question—the constitution of the Permanent Staff of Militia regiments—he was afraid the only answer he could give would be an unsatisfactory one. The reduction of the Permanent Staff was a consequence of the scheme of the late Government to bring the Militia and Line together, and perhaps it was rather unfortunate for the present Government that their predecessors had not remained a little longer in office until their scheme had been thoroughly developed. However, the present Government had done the best it could for it. The intention of the Circular referred to was to diminish the expense of keeping up the Staff all the year, and to give during the training time only the number of sergeants that were wanted. With regard to the taking away of paymaster-sergeants, if it was found to work badly the matter would have to be re-considered; but all those things were parts of a system which was now on trial.

LORD WAVENEY contended that the Militia would work satisfactorily if it were left alone. Every regiment should be complete in itself—that was most essential—and it was also essential that before any alterations were made the Militia officers should be consulted. The Militia should be a substantive service, should have its own officers, and its own system of drill. If that were attended to they would obtain from the Militia all they could desire. They were endeavouring to bring about a system of lending from the Militia to the Line and then drafting the men back again. That system would break down. If Militia officers were consulted they would not have that check on recruiting which had occurred, nor in the re-enrolments. He had 21 years' experience in a Militia regiment, and he had not found any material alteration in the number of recruits. In his regiment they were drawn from agricultural districts and from the coast villages, where the population had not increased during the past two decennial periods. If the inducements which were formerly held out were continued they would have plenty of recruits, as

*The Earl of Pembroke*

there were always lads coming on who could not obtain any settled agricultural occupation.

THE DUKE OF BUCCLEUCH said, his noble Friend (the Earl of Limerick) had gone so fully into all the details, that little was left for him to say; but he might venture to add his opinion that it was an utter mistake to confound the Militia and the Regular Army. It was all very well in theory to talk of welding the two forces together; but the organization of the Militia was entirely different from that of the Regular Army. Their combination was only good in theory. He had had many years experience as a Militia officer, and he certainly considered the present organization of the Militia was not a satisfactory one. The clothing supplied to the men was deplorably bad. A paymaster-sergeant must be a good accountant, and should be thoroughly honest and steady, as he was the right hand of the adjutant. With regard to re-enrolment, he had himself this very year asked men whether they would enrol, and they had replied that they would not, as they would obtain no advantage by doing so.

VISCOUNT CARDWELL agreed with his noble Friend behind him (Lord Waveney) that the Militia ought to be a substantive force, and at the same time one on which the country could in perfect safety rely as a reserve of the Regular Army. He thought this was likely to be brought about by the system of localization which had been adopted by the late Government, and under which it was hoped to draw a sufficient number of recruits from the districts in which the regiments were localized. It had been urged that in all matters of this kind the opinions of the highest military authorities should be taken. As far as the late Government was concerned, this was precisely the course which was followed, and he thought the result, as far as it could be ascertained at present, was satisfactory. The noble Earl (the Earl of Limerick) who brought the subject under the notice of the House had quoted the figures on the question with perfect accuracy; but he omitted to state that the number of Militiamen on the roll at the date of his Return was the largest on record, and that the number of men "required to complete" bore an inverse ratio to the number of men on the roll; while

the number of men actually present at the training was also larger than had been known before. His figures, therefore, did not support the conclusion at which he had arrived, that there were exceptional difficulties in finding men. There were 92,000 men actually present at the training, a number greater than had ever been known before. Further, nobody could deny that the schools which had been recently opened for the instruction of officers had been well attended, and that the Militia regiments were now officered by gentlemen who felt confidence in themselves, and inspired a similar feeling in their men, as had been shown by the conduct of the rank and file on every occasion during the past few years, when they had had the opportunity of exhibiting themselves at the military manoeuvres. It was true that deficiencies still existed; but remedies might be possible for these, and if the remedies were found and applied, no one would regard the fact with more interest and pleasure than himself. The Return referred to by the noble Earl undoubtedly showed that the number of re-enrolments had diminished; but the reason of this was probably to be found rather in the state of the labour market than in any of the other reasons which had been put forth by the critics of the course pursued by the late Government. If the present system did not work well in respect of re-enrolments, the present Secretary for War could re-consider the question, and adopt new arrangements. It was true, as the noble Duke had remarked, that the clothing supplied to the Militia regiments had been deplorably bad. Well, the late Government felt that it was so, and they applied a remedy. They consulted Militia officers, and appointed a Committee to consider the subject. The Committee recommended certain changes—they were carried out, and he understood that the men were now satisfied. No doubt there was some truth in others of the criticisms which had been passed; but these were matters of detail, in regard to some of which improvement had already been effected, and for all of which remedies were possible. He was glad to see that the number of non-commissioned officers in the Militia had been increased. For that change, the Secretary for War and the noble Earl opposite (the Under Secretary) were entitled to credit, as also

for the resolution to which they had come as to non-re-appointments to the Permanent Staff. The alterations made by the late Government ought to be sufficiently tried before further alterations were made; but at all events, whether by the changes introduced by the late Government, or by further changes, if necessary, to be made by their successors, he hoped to see the Militia kept in such a state of efficiency as to be a sheet anchor of the State in the event of their services being required.

After a few remarks from Lord WAVENEY and the Duke of BUCCLEUCH, the subject dropped.

#### WORKING MEN'S DWELLINGS BILL.

(*The Earl of Shaftesbury.*)

(NO. 183.) THIRD READING.

Order of the Day for the Third Reading, read.

*Moved*, "That the Bill be now read 3<sup>d</sup>."—(*The Earl of Shaftesbury.*)

LORD REDESDALE moved, as an Amendment, that it be read a third time that day three months. The original Bill contained 46 clauses; but since the second reading the Preamble had been amended, and the first and all after the second clause had been struck out of the Bill, and he contended that that was not a proper manner of dealing with a measure. He understood that the Bill would be re-committed, but that had not been done. The Bill would be of no practical use whatever. It gave no further power to corporations than they at present possessed, except in this—that it proposed that they should grant leases for 999 years or for a longer period. He thought that under the Municipal Corporations Act the promoters of this Bill would be able to do all they wished. The provisions of the Bill were restrictive of the beneficial powers which the Treasury had over the corporations in the matter of the letting of their lands, and as he regarded the measure as objectionable in other respects, he trusted their Lordships would reject it.

An Amendment *moved*, to leave out "now," and add at the end of the Motion "this day three months."—(*The Lord Redesdale.*)

THE EARL OF SHAFTESBURY said, that although the Bill was a very small one, and although it had passed through

the House of Commons without a division, yet it had caused their Lordships more trouble than if it had been a Bill for the better government of our Indian Empire. The object of the Bill was to enable working men to provide themselves with dwellings outside towns, and for this purpose it enabled corporations to let their lands on long leases, with the view of small tenements being erected on them, in order to encourage thrift on the part of the working men, by giving them an opportunity of becoming the owners of the houses they occupied, and to relieve the densely crowded centres of population. The original Bill was intended to enable men to become the freeholders of their own dwellings; but the objections of noble and learned Lords to the plans proposed were so great, that the promoters of the Bill had been driven to provide a new machinery. They accordingly struck out the clauses relating to freeholds, and introduced others providing for the granting of leases. Under the Act to which the noble Lord had alluded—the Municipal Corporations Act—the corporations had powers to sell with the consent of the Treasury; but they had not the powers which the Bill would give them—namely, to lay out lands, make roads, and to make the other necessary alterations before offering the lands in lots for building purposes. He wished before the noble Lord (Lord Redesdale) had risen to speak on this subject, he had witnessed what had been done within ten minutes' journey of that House to enable the working classes to have comfortable residences of their own, because the sight was one that the world had never seen before. Instead of raising objections to the scheme, the noble Lord ought to be thankful that so grand an experiment had resulted in success. If the noble Lord would visit the densely crowded courts of London, he would learn that the artisans had the greatest desire to live in the suburbs; and every statesman ought to encourage that desire, as well as the wish of the artisans to become the owners of their dwellings. In his opinion, this Bill would conduce largely to the comfort, happiness, and prosperity of the working classes, and consequently conduce in a corresponding degree to the stability of the State. He therefore hoped that their Lordships

*The Earl of Shaftesbury*

by passing this measure, would show themselves to be equally anxious with the House of Commons for the interest and welfare of the working classes.

THE LORD CHANCELLOR said, that the plan of the Municipal Corporations Act was one of prohibition—that was to say, the corporations could do nothing in respect to parting with their property for a period exceeding 31 years, without the sanction of the Treasury; and it could not be expected that any corporation would run to the Treasury to ask power to grant a lease, or do other small matters. This Bill would enable corporations to lease their property for the specific purpose mentioned in the Bill without such restriction, and he thought it was a power that might very well be granted.

On Question, That ("now") stand part of the Motion? *Resolved in the Affirmative*; Bill read 3<sup>d</sup> accordingly, with the Amendments; further Amendments made; Bill *passed*, and sent to the Commons.

House adjourned at Nine o'clock.  
'till To-morrow, a quarter  
before Five o'clock.

## HOUSE OF COMMONS,

*Monday, 20th July, 1874.*

MINUTES.] — PUBLIC BILLS — *Resolution* [July 17] *reported—Ordered—First Reading—*Royal (late Indian) Ordnance Corps [Compensation] \* [219].

*Ordered—First Reading—Summary Jurisdiction* (Ireland) \* [217]; Lough Corrib Navigation \* [218].

*Second Reading—*Royal Irish Constabulary and Dublin Metropolitan Police \* [196]; Turnpike Acts Continuance \* [186]; Police Force Expenses \* [211]; Elementary Education Provisional Order Confirmation \* [214]; Votes at Parliamentary Elections \* [171], *debate adjourned*.

*Committee—*Endowed Schools Acts Amendment [187], *debate adjourned*.

*Committee—Report—* Foyle College [208]; Alderney Harbour \* [205]; Evidence Law Amendment (Scotland) (*re-comm.*) \* [203]; Infants Contracts \* [164].

*Report—* Apothecaries Licences \* [155].

*Considered as amended—*Colonial Clergy \* [206]; Attorneys and Solicitors \* [75].

*Third Reading—*Conveyancing and Land Transfer (Scotland) \* [156]; Shannon Navigation \* [189]; Legal Practitioners \* [24], and *passed*.  
*Withdrawn—*Funkepers Liability \* [50].

# CONTROVERTED ELECTIONS—BOROUGH OF KIDDERMINSTER.

MR. SPEAKER informed the House, that he had received from Mr. Justice Mellor, one of the Judges selected for the Trial of Election Petitions, pursuant to the Parliamentary Elections Act, 1868, a Certificate and Report relating to the Election for the Borough of Kidderminster. And the same were read, to the effect that Albert Grant was not duly elected and returned at the said Election, and that his Election and Return were and are wholly null and void; and that it was proved before the learned Judge that the said Albert Grant was guilty of a corrupt practice at the said Election within the true intent and meaning of the Corrupt Practices Prevention Act, 1854, in promising before and at the time of the said Election to certain voters for the said borough of Kidderminster, and other inhabitants thereof, that he the said Albert Grant would in the event of his being returned at the said Election, and after such return, give to such voters and other voters and inhabitants of Kidderminster, an entertainment consisting amongst other things of meat and drink, with the view and intent to induce such voters to vote for him the said Albert Grant; and that a number of voters had been induced to vote for the said Albert Grant by virtue of a promise made to them by persons canvassing them for their votes that their names should be put down upon a committee, and that it would be worth to them 10s. each when all was over, and in other cases that they would be paid for their services when it could be done with safety. The learned Judge further reported that there was no reason to believe that "corrupt practices extensively prevailed at the said Election;" that there was evidence of a good deal of illegal treating during the Election, but it was not proved to his satisfaction to have been corrupt; and that it also appeared that several accounts relating to expenditure at the Election had not been returned by Mr. Grant's expense agent to the Returning Officer. And the said Certificate and Report were ordered to be entered in the Journals of this House.

# ARMY—CHARGE AGAINST A CAVALRY OFFICER.—QUESTION.

MR. STACPOOLE asked the Secretary of State for War, If his attention has been called to a statement published in the "*Western Daily Mercury*" of May 19th, alleging that a serious fraud on the public purse had taken place in a Cavalry Regiment; and, if so, will he state when the case was first brought to the notice of the authorities, and what steps have been or will be taken to investigate the matter?

MR. GATHORNE HARDY, in reply, said, that, according to the statement in question, which appeared in a letter in *The Western Daily Mercury*, signed "*Vedette*"—and which could not be said

to be anonymous, since the proprietors of the paper had promised, if required to give the real one—an officer of a cavalry regiment had availed himself of the privilege of taking a horse from the ranks, of the value of £50, and after keeping it for a short time as his charger, had returned it with one of its legs broken, and had not paid for it, but had taken another horse from the ranks in its stead. That was a very serious charge, and it was duly investigated; any delay that occurred arising from the absence on leave of the commanding officer. The facts of the case were these—The officer in question asked to be allowed to select a particular mare from the ranks for his charger, and the commanding officer expressed a doubt as to her fitness, but permitted her to be tried. In the school she showed temper and threw up her head, nearly stunning him, and after being returned to the ranks, she received a kick from a stable companion, which broke her leg. It was absolutely untrue that the officer in question had had another horse from the ranks since.

# EAST AFRICAN SLAVE TRADE.

## QUESTION.

SIR ROBERT ANSTRUTHER asked the Under Secretary of State for Foreign Affairs, If he will state to the House what steps are being taken by Her Majesty's Government to secure the suppression of the traffic in slaves on the East Coast of Africa?

MR. BOURKE: I am well aware, Sir, that this is a subject about which much interest is taken both in this House and in the country. The hon. Member for Fife has had a Notice of Motion on the subject upon the Paper for some time, but has not had an opportunity of bringing it forward. Had he done so, I should have availed myself of the opportunity of showing the hon. Member that I am quite alive to the interest which is taken by all classes of the English public in the suppression of the slave trade. The Treaty which was made last year, if it is not all that we could desire, has had certainly a good effect; and I think the acknowledgments of the country are due to the Sultan of Zanzibar for signing that Treaty. We have no reason to think that the Sultan is anxious to recede from the engagements imposed upon him by that instru-

ment, on the contrary, we have reason to believe that he is desirous to see that Treaty carried out in the spirit in which it was framed; and I venture to think that great credit is due to him for facing the difficulties which undoubtedly that Treaty imposed upon him. He has, contrary to the wishes of many of his most powerful subjects, absolutely abolished the slave market at Zanzibar, and I believe him to be doing his best to discourage the slave trade all over his dominions; but his resources are not great, and we must not expect too much from a Ruler who has upon this question the most violent opposition to encounter from almost all his own subjects. I would also remind the hon. Member that the authority of the Sultan of Zanzibar does not extend along the whole of the East Coast of Africa; that the suppression of the East African slave trade cannot be put down by his co-operation and exertions alone; that if we succeed in putting it down on the Coast of Zanzibar it will very likely break out at other places; and, further, that if we succeed in abolishing the Coast traffic altogether, vigorous efforts will be made to carry it on by land. But the best authorities upon the subject are of opinion that if we keep up a close blockade by sea it will not pay the slave dealers to run the risk of exporting slaves from the interior, and in this way a vital blow will be given to the trade, which will have the same effect on the East Coast that unquestionably this policy has had upon the West. Under these circumstances, Her Majesty's Government have taken measures to increase the squadron on the East Coast, and by a Supplementary Estimate placed on the Table by the right hon. Gentleman the First Lord of the Admiralty an expenditure of no less than £105,000 has been proposed. The *London*, a very large ship, specially prepared for the purpose, and intended to serve as a depot, has already sailed, and she will have many small boats attached to her. So also has the *Flying Fish*, and the *Egeria* will follow in about a month. With respect to an additional Consul, it is the opinion of Her Majesty's Government that we may find it necessary to increase the Consular Staff on the East Coast, and that it may be advisable to appoint a Consul at Mozambique; but the House is aware that no provision

has been made in the Estimates for the present year for such increase, and no such proposal can be made without the consent of the Treasury. But the time is not far distant when it will be the duty of Her Majesty's Government to consider the Estimates for the ensuing year; and if it is thought a Consul at Mozambique would do good my noble Friend (the Earl of Derby) will be prepared to appoint one. But upon that subject I do not wish to give a definite pledge, as it is possible further information might render it desirable to make another proposal. On the whole, I can promise the hon. Member that the subject shall have the close and earnest attention of the Government, and I would remind the House that the work upon which we are intent will require much patience, much prudence, and much expense to accomplish.

#### PATENT MUSEUM.—QUESTION.

MR. MUNDELLA asked the First Lord of the Treasury, Whether Her Majesty's Government is aware that, owing to the want of space and suitable accommodation, the Patent Museum is losing constant opportunities of acquiring models of original inventions of the greatest interest to the Country; and, whether the Government is prepared to take immediate steps to provide a suitable building for the Museum, which is capable of being made one of the most valuable schools of instruction in mechanical science in the world?

MR. DISRAELI: I am very sorry, Sir, to say that the Patent Museum is not the only public institution which is suffering from want of space and of suitable accommodation. That is now a crying grievance with respect to all our public buildings, collections, and offices. In regard to the Patent Museum, however, I perceive another Question on the Paper, and I am aware from a communication which I have received from my noble Friend the First Commissioner of Works, that the matter is at present engaging attention.

#### NAVY—REAR ADMIRAL RANDOLPH. QUESTION.

CAPTAIN BEDFORD PIM asked the First Lord of the Admiralty, If he will state to the House by what authority Rear Admiral Randolph, C.B., command-



ing the Flying Squadron, then cruising in the Mediterranean, ordered a Court Martial on the Captains of Her Majesty's Ships "Narcissus" and "Endymion;" and if he obtained the sanction and concurrence of the Commander-in-Chief on the station; who framed the only charge on which Rear Admiral Randolph himself has just been tried by Court Martial, viz., for that he the said Rear Admiral in command of Her Majesty's Ships did on the night of the 10th May, 1874, negligently hazard the said Ships, &c.; and, whether he will lay upon the Table of the House the Minutes of both Court Martials?

Mr. HUNT: Sir, Admiral Randolph ordered the Courts Martial by authority of a warrant which he held from the Lords of the Admiralty: he did not obtain the sanction and concurrence of the Commander-in-Chief on the station. The charge on which Admiral Randolph was tried was framed by order of the Board of Admiralty. If the hon. Member will move for the Minutes of the Courts Martial they shall be laid on the Table.

#### ROME—ALLEGED DISTURBANCES. QUESTION.

Mr. O'CLERY asked the Under Secretary of State for Foreign Affairs, If the Government have received official information relative to the disturbance which took place on the 21st of June in the square of St. Peter's at Rome, during which a tumultuous mob is reported to have approached the Vatican, uttering cries and threats against the Sovereign Pontiff; and, in the event of the Government having received such official intelligence, to ask that it be laid before Parliament?

Mr. BOURKE: Sir, mention is made in a Despatch received from the Secretary of Legation, of a disturbance which occurred in the square of St. Peter's on the occasion referred to by the hon. Member. It does not, however, appear to have been of a serious character, and no mention is made of threats directed against the Pope. There is no objection to lay the Despatch on the Table, should the hon. Member require it; but it contains very little more than will be found in the newspapers.

#### MONASTIC AND CONVENTUAL INSTITUTIONS.—QUESTION.

SIR JOHN KENNAWAY asked the Under Secretary of State for Foreign Affairs, Whether answers have been received from Her Majesty's Envoys in Foreign Countries as to the existence and operations of Laws there relating to Monastic and Conventual Institutions; and if he can state when that information will be laid before the House?

Mr. BOURKE: Sir, early in the Session I promised the hon. Member for North Warwickshire (Mr. Newdegate) to endeavour to obtain the information mentioned by my hon. Friend, and place that information in the Library of the House. But my hon. Friend the Member for North Warwickshire has had a Motion for an Address to the Crown on the subject upon the Paper ever since; and, until that Motion is disposed of, or taken off, I have thought it more respectful to the House and to the hon. Member to refrain from placing the information in the Library which I had conditionally promised.

#### ARMY—MUZZLE-LOADING FIELD GUNS.—QUESTION.

CAPTAIN NOLAN asked the Surveyor General of the Ordnance, If he can inform the House whether any or all of the four Chief Military Powers of Europe have determined to discontinue the manufacture of field guns which load at the muzzle; and, what will be the probable cost incurred by the manufacture of muzzle-loading field guns, with the accompanying stores and ammunition, during the present financial year?

LORD EUSTACE CECIL, in reply, said, that the Reports with regard to other countries were of a confidential character; but that it was pretty generally known that the four principal Powers had either adopted the breech-loading principle, or were about to do it. The expenditure in this country during the present year on muzzle-loading guns, including equipments, would be about £40,000.

#### THE CONSULAR SERVICE— UNHEALTHY CLIMATES.—QUESTION.

Mr. BAILLIE COCHRANE asked the Under Secretary of State for Foreign Affairs, Whether by a new Regulation

Consuls serving in South America, China, or any trying climate, are permitted to count for every year of service two years towards a pension; and, if so, why the same favour is not extended to the diplomatic service?

MR. BOURKE: No, Sir; there is no new regulation to the effect suggested. A regulation was agreed upon between the late Secretary of State for Foreign Affairs and the Board of Treasury by which two years' service in unhealthy climates was to count as three in calculating the pensions for the consular service. That is in accordance with the recommendations of the Committee of the House of Commons on the Diplomatic and Consular Services. The regulation is intended to meet the consular case of officers stationed for considerable periods at particularly unhealthy places. It was not recommended by the Committee for the Diplomatic Service, whose members are not as a rule stationed at places to which it would apply.

#### ARMY—MAJORS OF ARTILLERY SERVING IN INDIA.—QUESTION.

COLONEL JERVIS asked the Secretary of State for War, Whether during the Recess he will kindly take into his consideration the case of the nonpayment of their rank to Majors of Artillery now serving in India, a large proportion of whom are Officers of the Old Royal Artillery who have had to proceed to that country under orders from the War Department, and represent their case to the Indian Office?

MR. GATHORNE HARDY, in reply, said, he was happy to say that he did not think it would be necessary during the Recess to pay much attention to this subject, because he believed an arrangement with regard to it had been entered into which would, he thought, be quite satisfactory to his hon. and gallant Friend.

#### ORDNANCE SURVEY—COUNTY OF MERIONETH.—QUESTION.

MR. HOLLAND asked the First Commissioner of Works, Whether he has arranged any plan for completing the Survey of the County of Merioneth, in accordance with the wishes expressed by the deputation who lately waited upon him?

LORD HENRY LENNOX, in reply, said, he regretted that he was unable to give a favourable Answer to the hon. Member and the other Members who had waited on him with a deputation. After full consideration, he had decided it was not expedient to interfere with the orders of progress of the Ordnance Survey, as laid down by the War Office and confirmed by his Predecessor at the Office of Works.

#### ENDOWED SCHOOLS COMMISSIONERS SCHEMES.—QUESTION.

MR. FAWCETT asked the Vice President of the Council, If he will state to the House how many schemes of the Endowed Schools Commissioners have been approved by the Committee of Council on Education since the present Government came into office, how many have been disapproved, and how many are awaiting decision; and, whether the Government have ascertained how many schools, and which schools will, under Clause 4 of the Endowed Schools Act Amendment Bill, be exempted from the operation of the 17th and 18th Clauses of the Endowed Schools Act of 1869, which provide for persons not being disqualified for acting as members of the governing body of schools on account of their religious opinions, and for the head master not being necessarily in holy orders?

VISCOUNT SANDON, in reply, said, that when the present Government came into office they found a large number of schemes which had been handsomely postponed by their Predecessors as soon as they felt that they were about to cease to be Members of the Government. They felt that it was right their Successors should have the responsibility of determining upon those schemes. The number of schemes approved of by the present Government was 42, three of which had been remitted to the Commissioners for alteration; 13 of those schemes were for grammar schools, and 25 for other educational charities. The number of schemes awaiting approval was 32. [Mr. W. E. FORSTER: How many have been disapproved of?] None had been disapproved of; but he hoped the House would recollect that 32 were awaiting approval, and that it was not improbable that some of these might be disapproved of. He regretted that he could give no in-

formation in regard to the second part of the hon. Members's Question. It involved very difficult points of law, which were exactly the points which the new Commissioners would have to decide.

#### PATENT MUSEUM.—QUESTION.

MR. E. J. REED asked the First Commissioner of Works, Whether, as the Commissioners have for the future abandoned annual International Exhibitions at South Kensington, the Government will be willing to give early and favourable consideration to the proposal to transfer the Patent Office Museum from its present place to the southern block and adjacent portions of the Exhibition buildings?

LORD HENRY LENNOX, in reply, said, it was true the abandonment of annual International Exhibitions would leave a large amount of space available for some of our national collections; and it would appear from the Papers before Parliament that it was his intention to propose to Her Majesty's Government a scheme which, if it were agreed to, would enable him to offer the Patent Museum suitable accommodation in the southern block of the Exhibition buildings.

#### THE FIJI ISLANDS.—QUESTION.

MR. ALDERMAN W. M'ARTHUR asked the First Lord of the Treasury, What day he can fix for the discussion on Fiji, in accordance with the promise given on behalf of the Government on Friday night?

MR. DISRAELI, in reply, said, that he could not fix a day for a discussion on Fiji, but he had no doubt that the hon. Gentleman would have several opportunities before the House was prorogued—for instance, on the Appropriation Bill—of bringing on that discussion.

SIR CHARLES W. DILKE thought that the right hon. Gentleman could hardly be aware that the Secretary for War had promised that a day would be given for the discussion.

MR. DISRAELI said, that he had indicated to the hon. Gentleman the Member for Lambeth, a certain mode by which he could bring the question before the House.

#### ARMY—THE MILITIA—FINES FOR DRUNKENNESS.—QUESTION.

COLONEL NORTH asked the Secretary of State for War, If anything has been decided as to what is to be done with the money which has been stopped for drunkenness in the Militia?

MR. GATHORNE HARDY, in reply, said, the money would be applied to the promotion of music, the purchase of books, and the providing of recreation for the Militia, and he hoped that by that means, drunkenness in the Militia would be decreased.

#### H.R.H. PRINCE LEOPOLD.

#### MESSAGE FROM THE QUEEN.

Message from Her Majesty brought up, and read by Mr. SPEAKER (all the Members being uncovered), as follows:—

#### "VICTORIA R.

"Her Majesty, being desirous of making a competent provision for the honourable support and maintenance of Her fourth Son Prince Leopold George Duncan Albert on his coming of age, recommends the consideration thereof to Her faithful Commons, and relies upon their attachment to adopt such measures as may be suitable to the occasion.

"V. R."

Committee thereupon upon *Thursday*.

#### ENDOWED SCHOOLS ACTS AMENDMENT BILL.—[BILL 187.]—COMMITTEE.

(*Viscount Sandon, Mr. Secretary Cross.*)

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."—(*Viscount Sandon.*)

MR. ALDERMAN W. M'ARTHUR presented a Petition from the Wesleyan Body, and was proceeding to read the same, when—

MR. SPEAKER said, the hon. Member was out of Order in reading the Petition. If he wished it read, he should move that it be read by the Clerk at the Table.

MR. ALDERMAN W. M'ARTHUR having moved accordingly,

The CLERK read the Petition, which set forth that the Petitioners viewed with alarm and regret certain provisions in the Endowed Schools Acts Amendment Bill, and prayed that it might not pass into law.

MR. FAWCETT, in moving, as an Amendment—

"That, in the opinion of this House, it is inexpedient to sanction a measure which will allow any one religious Body to control schools that were thrown open to the whole nation by the policy of the last Parliament,"

said, the Bill which they were asked to consider was of such significance, that it would, in all probability, give an entirely new aspect to contemporary politics, and would make some of those who were the supporters of institutions which were cherished by hon. Members opposite become their strong opponents. It would tend to make a party which had to some extent been disunited and dislocated, firm and compact. With regard to educational questions, he had always acted independently of party, and had striven not to let any abstract views of his own stand in the way of the progress of any measure which he thought would promote the intellectual advancement of the people. What was the object of the Bill, what was it intended to do, and what would be its probable consequences? It would convert into narrow sectarian institutions many hundreds of schools which were declared by the late Parliament to be national institutions, whose endowments ought to be used to promote the intellectual advancement of the entire people. It said the House was to search out the obscure records of the past, and if they could find any symbol of ecclesiasticism, any remnant of sectarianism, they were to impress it on these schools, regardless of the consequences which might be produced in the educational efficiency of the locality, or the religious concord of the people. At whatever time a school was founded—whether by the Catholics before the Reformation, or by the Presbyterians or Puritans in the days of Cromwell—if the slightest reference were made in the foundation-deed to the Church, the House was to assume that the religion which the founders wished to promote was that particular form of Church worship now prevalent; and that their primary object was not to bring high learning within the reach of those who were debarred by poverty from obtaining it; and that their endowment must be administered with the object of fostering a Church which was riven asunder by internal discord and intestine disputes. Every Catholic school founded before

the Reformation—every school founded by a Nonconformist, was to be regarded as a Church school, if any reference to religion or any ecclesiastical authority was mentioned. Before it was too late he would ask the House carefully to consider whether it was wise and prudent to revive the remembrance of past wrongs, and awaken the recollection of past injustice? Did the House wish to remind every Nonconformist in the country that prior to the year 1770 his forefathers, if they were of the same faith as himself, could not found a school? Did it wish to tell every Nonconformist that, even if a school were founded in his native town, he could not be appointed a manager, and his children could not enjoy the advantage of education in it, as though he were an outlaw and they were outcasts? Had the great Conservative party become so flushed with victory, so intoxicated by success, that, forgetting all their traditions of moderation, they were going to revive a fierce sectarian war in almost every town and village in the country, to recall the memory of past injustice, and to bestow on the Nonconformists an undeserved, an unmerited, and unprecedented insult? Was it likely the Nonconformists would submit to that? Why, the Government might as well expect to revive the Star Chamber, to reimpose Ship Money, or to restore any other emblem of effete wrong. ["No, no!"] Hon. Members might say No; but he knew he was putting a correct interpretation upon the feelings of thousands of his fellow-countrymen. He would give one example of the manner in which the Bill would work. In the last debate on the subject, reference was made to Birmingham, and it was not obscurely hinted that one of the chief reasons for attacking the Commissioners was, that they had not converted Birmingham School into a denominational institution. There was no place in the Kingdom where there existed more zeal for education, or where education was supported with more public spirit than it was in Birmingham. A scheme had been proposed which would give to the town council of Birmingham direct representation in the management of the school, so that Catholics, Nonconformists, and men of different religions and their fellow-townsmen so desired elected. Under the scheme, a.

of a high kind would have been provided for 2,250 boys and girls; and, so vast were the endowments, that one-third of the whole number of pupils would have been exhibitioners elected from the elementary schools. There would have been a gradation of schools through which the son of the poorest artizan might have advanced to the highest honours and emoluments of the Universities. But if the Bill now before the House was passed, not a single Nonconformist or Roman Catholic could become a manager, and the children of Nonconformists and Roman Catholics would be deprived of the advantage of the endowment of scholarships and exhibitions. In fact, the Bill would actually make things worse than they were at present, for there was nothing in the deed of the school to prevent a Nonconformist from being elected a manager. Again, it was intended to provide that the head master must be in Holy Orders, and that the assistant masters must be Churchmen. The first restriction was bad from every point of view, and it was especially bad and undesirable in the case of a day school. At the University of Cambridge the most distinguished students showed each year a growing disinclination to enter into Holy Orders. Out of the 42 Fellows of Trinity College who had been elected since 1860, there were, at the present moment, only five in Orders. Moreover, the very pick of the Fellows of that College were appointed to tutorships and lecturerships; and of the four tutors, two only were in Holy Orders, while all the assistant tutors, 10 in number, were laymen. Thus it would be seen that the chance of getting the best man for the mastership of Birmingham School would be greatly limited, if the restriction with regard to Holy Orders was insisted upon. What made the disinclination among Fellows of Trinity to take Orders still more remarkable was, that if they did take Orders, they would obtain a great reward. If a man were a layman and left Cambridge, he could only hold his Fellowship for seven years, whereas if he took Orders, he could hold it permanently, or, at least, until he married. What would be the effect of preventing Nonconformists and Catholics from becoming managers of the school in a place like Birmingham? He was accustomed when he paid a visit to that town, which possessed a great public

school, to stay with a gentleman who was known throughout the neighbourhood for his great benevolence and public spirit. Beginning life as a poor artizan, he had amassed a large fortune in commerce, and now devoted himself entirely to the promotion of the public institutions of the town. Such a man under this Bill could not become a Governor, although it might be a position above all others which he might wish to occupy, because he was a Nonconformist. A man who might be a gambler, a ruined *roué*, if he were a Churchman, might be elected; but because a man was a Nonconformist, he was treated as if he had done some disgraceful act which would justly deprive him of the rights of citizenship. Hon Gentlemen opposite said they were going to do that in the interests of the Church; that they were going to carry on a war of reprisals; that when they were weak, the Church was attacked, now that they were strong, the Church must be vindicated. By whom had the Church been attacked? Not by the Liberal Party in that House—[“Oh, oh!”]—at any rate, not by the majority of that party, because many of them were sincere friends of the Church, and time would show, much wiser friends than hon. Gentlemen opposite. At present, the Church was never attacked by more than a minority of the Liberal party in the House, and by an active party out-of-doors; but if they passed the Bill, the Church would be attacked by a firm, an united, and a compact party, including many a man who was not at present prepared to attack the Church, but who was equally not prepared or willing to defend it in this course. All these were equally resolved to prevent the national Church grasping and claiming those endowments to which they had no legal right, and which Parliament had decided should be the property of the nation, and they would equally say the responsibility was not theirs, if the maintenance of the Church was to be associated with the perpetuation of social and civil disabilities. Could anything be more mischievous to the Church and the country at large than to stereotype sectarian differences by separating children in early youth according to the religion of their parents. He maintained that it was a gross injustice to deprive any section of our countrymen of the advantages of these endowments,

and he believed it would re-act upon the Church itself. Moreover, the Bill was to be regarded in a point of view more mischievous than excluding Nonconformists and Roman Catholics from being school managers. And what would be the inevitable result? It would convert those schools into purely denominational institutions, and a feeling of sectarian rancour would be raised which would touch the self-respect of Nonconformist parents, and the mischief would re-act upon Churchmen themselves. It might be asked, as a similar question had been asked, when the opening of the Universities was under discussion—"Why don't the Nonconformists found schools of their own?" It was scarcely necessary to point out that there was something in the case of educational institutions which money could not purchase. The wealth of the wealthiest could not suddenly call into existence a Trinity, a Christ's Church, or a Baliol. Around these institutions clung priceless memories of the past; they had been made what they were by the illustrious men reared within their walls, who had won immortality for themselves by literature and science, and spread the renown of the English name over the whole world. These old endowed schools of England were the common birthright of England, and what they had done with respect to the Universities they would most certainly carry out with respect to these minor institutions. But what chance was there of the Universities remaining the national institutions which the last Parliament had made them, if this Bill were passed. The argument of the right hon. Gentleman the Member for Greenwich on that head could not be answered. The Home Secretary, who was always appealing to the House to be logical, could not stop here. Hon. Members opposite would not stop here, unless they were promptly checked in this career of educational ardour. The right hon. Gentleman the Secretary of State for War had said that he would like to undo what Parliament had done in the abolition of University tests, but he could not. The abolition of tests had as yet produced a very slight effect, and it would be possible to arrest its progress. There was but one corollary of the measure before the House—if endowed schools were to be treated as sectarian institutions, every argument

advanced in that object would show that Colleges and Universities must be restored to their denominational uses. Last year a great denominational institution was converted into one absolutely undenominational. There was not a school which would be affected by the Bill so purely denominational in its history and traditions as were Trinity College and the University of Dublin, for if ever institutions were founded for denominational purposes, it was these as a bulwark against Catholicity. And yet, what was done with them last year? Every vestige of a religious test, every semblance of religious disability, was swept away. How was that effected? By a predominant Liberal majority trampling on the cherished principles of the Conservatives? No. It was done not only with the connivance of the Conservatives, but with their active support. The names of two distinguished Members of the Conservative party were on the back of the Bill, and the measure was not voted against by a single Conservative; on the contrary, it was supported by every Conservative in the House. It was no reply to that argument to say—"Oh, but Ireland had not a State Church." But she had a Protestant religion, and if last Session hon. and right hon. Gentlemen opposite allowed endowments left by Elizabeth for the special use of Protestants to be used by Catholics, how could they justify what they were doing now when they said that endowments left by Elizabeth should not be enjoyed by all Protestants, but only by those who belonged to the Anglican Church? It would be said that he had exaggerated the consequences of this Bill. ["Hear, hear!" from the Ministerial Benches.] He was glad to hear that cheer because it would give him an opportunity of quoting something to which he would particularly direct the attention of hon. Gentlemen opposite. It was impossible at any rate to exaggerate one thing, and that was the mischief produced by the speech of the Vice President of the Council. Not a single hon. Member opposite would pretend that the leading journal of this country had criticized the doings of the present Government in an unfriendly spirit. It had, at least, given them an independent support. Now, what was the opinion of *The Times* with regard to this measure? It said—

*Mr. Fawcett*

"The Bill is, to say the least, an extraordinary production, for which it is difficult, if not absolutely impossible, to find a precedent. Mr. Hardy goes back to the Restoration of 1660 to discover something like it. Ministries have come into office before on Conservative principles, but they have wisely refrained from reversing the previous policy of Parliament, and have been content to keep things as they found them. . . . It may be possible to carry by a majority of 80 or of 90 the second reading of a Bill proposing this wholesale re-delivery to one religious body of schools which, founded for national purposes and endowed with national property, have been set free for the use and education of all Englishmen; but it must be obvious to every Conservative who reflects upon the matter that it must be a fatal victory. There are occasions when numbers have none of the reality of strength, and this is one of them."

And a little after it said—

"The common sense of the English people will not follow Mr. Hardy in vindicating the reactionary character of the Government Bill by likening it to the accession of Elizabeth or to the restoration of Charles II., and the forced character of this defence is, indeed, the strongest evidence of the impolicy of the measure."—*[The Times, July 15.]*

There was no journal in the country more free from—

MR. SPEAKER: To quote extracts from newspapers referring to debates in this House is altogether out of Order.

MR. FAWCETT said, that in that case, he would only observe that the Bill had been described, by an authority which hon. Members opposite would respect, as one of the worst measures of modern times, and what made it worse was the speech by which it was introduced. He had met many men during the last few days who had been as strong in their support of the Establishment as hon. Gentlemen opposite, and who declared that if the Church was to assert claims which would be fatal to the cause of education, there was no other alternative for them but to go in for disestablishment. ["Hear, hear!"] Hon. Gentlemen opposite might make light of the threat, and might further congratulate themselves on the fact that the Liberals were a disorganized and disunited party. Would they now say that the Liberal party was a disorganized and disunited party? The Petition which had been read at the Table showed hon. Gentlemen opposite that they had turned against themselves a powerful section of their fellow-countrymen who in days past had been the strongest allies of the Conservative Party, and he asked, would they be sitting on the Benches which

they now occupied, if it had not been for the support which they had received from the Wesleyan Body? That Body would be deeply and justly offended if the Bill should pass. The measure would be the stirring up of discord and strife throughout the country. The noble Lord the Vice President of the Council did not for a moment pretend that this Bill had been introduced to improve the education of the people. It had been introduced, according to the noble Lord, because the Commission was dead; because he and his party intended to carry on a war of reprisals and turn the guns of the fortress against the Liberal party. But two could play at that game, and the noble Lord might be well assured that the Liberal party throughout the country would not tamely submit to have the guns of the fortress directed against them. But if the Commission was dead, who had killed it? Could any Commission that ever existed have survived such a speech as that delivered by the noble Lord? It could not be said, neither was it pretended that the Commission had done anything wrong. The only justification for their dismissal was, that they had incurred unpopularity by faithfully administering an Act which was unanimously passed by the House. Could anything be more fatal to Constitutional Government? Could anything introduce greater lawlessness and demoralization than to tell the future Commissioners, as a rule, to guide their conduct not by law, but by the prospects of a Party coming into office? Let the House mark that these Commissioners were to be censured, because of certain private opinions extracted from one of them in cross-examination before a Select Committee. Never was anything so absolutely dishonourable. A man of great intellect, of high position, of a distinguished University career, sat in the chair as witness; no one asked him whether he and his brother Commissioners had administered the law according to their private opinions; but he thought they wanted to know what his private opinions were, and having given them, hon. Gentlemen turned round on him. When a party was reduced to such artifices the independence of the House of Commons must come to the rescue. The House had not to consider whether they had done right or wrong, but were they

legally bound to act as they had done. Now he was prepared to contend that if they had done anything but what they had done, they would have been guilty of a dereliction of duty. There were five causes of the unpopularity of the Commissioners—first, because they had introduced into the management of schools the principle of election, instead of co-optation; second, because they had converted several old grammar schools into modern schools; third, because they had devoted a certain portion of the endowments to the education of girls; fourth, because they had introduced a system of electing boys by merit, and not by patronage; and fifth, because they had caused the endowments to be devoted to higher educational purposes. But all these things simply showed that the Commissioners in carrying out the Act of 1869 had only acted strictly in accordance with the Act and the recommendations of the Report of the Endowed Schools Inquiry Commission, than which there was never a Commission so absolutely unanimous in their recommendations, and of which Lord Derby and the Chancellor of the Exchequer were two of the most distinguished Members. [The CHANCELLOR of the EXCHEQUER said, he did not sign the Report.] The recommendations were his. Did the right hon. Gentleman sign a counter Report? [The CHANCELLOR of the EXCHEQUER: No.] Well, the Report of the Schools Inquiry Commission was inserted in the Act, to guide the Commissioners, and in every one of the schemes of the Commissioners, they had acted on the recommendation of the Schools Commission. The only real charge that could be brought against the Commissioners was, that, according to the principles of the Act, they had not carried out its policy so far as they might have done. To show the extreme unfairness with which the Commissioners had been attacked, he would direct attention to the fact that 200 schemes had been passed by the House before the commencement of the present Session, and, according to the Answer just given by the noble Lord the Vice President, 40 of these schemes had been passed since the present Government came into office, and not one of them had been challenged by the Government. Only one passed in previous Sessions had been seriously debated in this House, and

that was the scheme for the Emanuel Hospital. Were the Commissioners told in that debate that they were unpopular and had done wrong? They were told so by the representatives of the London Corporation, but not by a single Member of the Government; on the contrary, the Chancellor of the Exchequer and the President of the Board of Trade supported the Commissioners by their votes in favour of the scheme. The noble Lord the Vice President charged the Commissioners with having applied to education only £6,000 out of £218,000 given as doles; but with singular forgetfulness, he omitted to state that the Commissioners had not the power to devote a sixpence of these doles to education without the consent of the trustees. By doing as much as they had, they had gained the unpopularity of which they were accused, and they were blamed because they had not secured more of this unpopularity. As to the Commission expiring this year, it had been again and again stated that the late Government had only extended the Commission for one year, and therefore they could not object to the Bill; but it was perfectly well known that the late Government was anxious to extend the Commission for three years, and they only assented to one year in order to get the Bill through. To show further the utter baselessness of the charge against the Commissioners, he wished to refer to two endowments, the only two that had been at all cavilled at during the long debate of last week, those of Sedbergh and Giggleswick. The latter was a sort of high school in the north-west corner of Yorkshire, having an annual income of £5,000 a-year. With that 150 scholars were dealt with, 30 having *quasi* classical teaching, and the remaining 120, not getting as good an education as they would have in an ordinary National school. At Sedbergh, the master had £600 a-year, and educated 11 boys, frankly admitting that he did not wish to have any more. What had replaced these scandalous abuses? At Bradford there were excellent schools for 300 boys and 300 girls; at Keighley a most important Trade and Science school; at Sedbergh there were schools for 300 boys and 300 girls; and at Giggleswick one of the best modern Science schools in the whole country. If that was all that could be said against the Commis-



sioners, they might well excuse any little shortcomings in their performance of public duties which had been so creditable to themselves and so advantageous to the country. In the debate the other night, the Solicitor General and the Home Secretary advocated a strictness of dealing with the wills of founders worthy of Lord Eldon himself. But what did the right hon. Member for the University of Cambridge (Mr. Spencer Walpole) say last year in the debate? He said—

“Those intentions should be liberally interpreted in order to adapt them to the requirements of the age.”—[3 *Hansard*, ccxv. 1938.]

That had been the principle of these Commissioners, and acting upon that, they had brought liberal learning within the reach of the people. As an illustration, he would mention the scheme connected with his own constituency—Hackney. Robert Aske, 200 years ago, left a foundation—now worth £9,000 a-year, and likely to increase still more—for the maintenance of 20 almsmen and 24 charity children. These almsmen had been pensioned off with £75 a-year, and out of the remainder of the fund four great schools had been established, two for 300 boys each, and two for 300 girls each. But if the dicta of the Solicitor General and the Home Secretary had prevailed that grand scheme could not have been carried out; for nothing could be more different from the idea of the founder, that the half of his benefaction should go to almsmen, which becoming so large an amount, had only a demoralizing effect, and half to charity schools, for which there was no object, since elementary schools were now established everywhere by law. From every point of view in which this measure was looked at, it might be described as unwise, mischievous, and unprecedented, and as likely to stir up in every locality a spirit of bitter rancour. It would give a stab to that system of constitutional government which they ought studiously to maintain, for if Ministers always were impulsively and impetuously to undo the work of their Predecessors, everything would become a mass of confusion, and instead of good government, anarchy would prevail. He could find in the measure no trace of that moderation and watchfulness of public opinion which had so often distinguished the Prime Minister and some of his Colleagues, and which

had made some not regret his advent to power. The people would see now that it could not calculate on that tranquillity and repose which England needed, and if the Bill were passed the result, as he had said early in his speech, would be that a firm, united, and resolved party would be established, absolutely determined that they would not rest from agitation until they had obtained such a majority as would efface a measure which would always be looked upon as a memory of what could be done when a spirit of denominational ascendancy was once let loose. If hon. Gentlemen on his side of the House merely wished to facilitate the downfall of the right hon. Gentleman and his party, they could not do wiser than to pass the Bill. But they had higher motives. They would oppose it in every possible way, and at every stage, because it would inflict a great injury upon education, and transfer to a sect, endowments left to promote and sustain liberal learning and intellectual advancement amongst the entire people. He would conclude by moving the Amendment.

LORD GEORGE CAVENDISH in seconding the Amendment, said, nothing would have induced him, at this period of the Session, to put himself forward, if it had not been for the great importance and unusual character of this Bill. Of the 40 years he had been in this House, he had sat 30 years on the Ministerial benches, and he thought it quite fair the other party should have their turn now, and that his own party should bear their defeat and its consequences with philosophy. For his own part, he did so, but he had to complain that in passing the present measure, the House of Commons would be undoing the policy of the late Government, which received from Parliament very general acceptance. In the case of other measures, such as that for the abolition of Church-rates, which hon. Gentlemen opposite had resisted in that House, what was the course which they had pursued? Why, that when they came into office, they allowed those measures to pass unopposed, inducing the other House to give to them its assent. He wished they had taken a similar course in the present instance, instead of indulging in a re-actionary policy. He objected to the Bill before the House very strongly on four grounds. He thought it most unfortunate that a measure of such im-

portance should have been brought forward at so late a period of the Session, when it was impossible the country, and especially those who were interested in the question, could be made sufficiently acquainted with its scope, tendency, and future consequences. He concurred also with the hon. Member for Hackney (Mr. Fawcett) in regretting the tone adopted by the noble Lord the Vice President of the Council in moving the second reading. It was wanting altogether, he thought, in that wise moderation which had characterized his Predecessor in office when bringing forward the Bill of 1869 and the Bill of last year. He was also sorry that the noble Lord should have made the subject a party question, and that he should have accused hon. Members on the Opposition side of the House of being disposed to disobey the wishes of the founders of endowed schools. The noble Lord had, it was true, observed as an excuse for accepting the measure of 1869, that the nerves of the Conservative party were shaken; but he did not think that was a remark which was very complimentary, especially to the present Prime Minister, whose nerves as far as he could see, had never much suffered in that way. But, be that as it might, he was opposed to the present Bill for another reason, and that was because he was of opinion that the summary dismissal of the Commissioners was a course which it was most inconvenient to take, and to find a precedent for which it would be necessary to go back to the days of George III., when certain noblemen and gentlemen were dismissed from office, because they held certain private opinions. For his own part, he did not think the Commissioners had been blamed by public opinion or by the Committee which sat to inquire into the result of their labours. He was not prepared, indeed, to justify every word which had been said, or every opinion which had been published by the Commissioners; indeed, with regard to a school in his own neighbourhood their conduct was scarcely justifiable; and he was of opinion that the appointment of Mr. Hobhouse, who held very pronounced views on the question of endowments, was one which was calculated to diminish their usefulness. It should, however, be borne in mind that he was a Charity Commissioner at the time those views were put

forward, and that it was to that body that the powers of the existing Commission were to be transferred. It had been written of Charles II. that he never said a foolish thing and never did a wise one, and the saying if reversed might, perhaps, very well be applied to the Endowed Schools Commissioners, of whom the Committee had pronounced it to be their opinion that they had done good sound work. The noble Lord said that the Commission was dead—slain by public opinion; but like Falstaff, he had it up again and fought it a full hour by the clock—not of Shrewsbury but of the House. The real cause of their dismissal was, he believed, to be found, as stated by the noble Lord, in the fact that they were unpopular; but it was hardly possible that they could be otherwise, dealing as they did with such important interests. Indeed, their unpopularity arose, in his opinion, in a great measure from their honesty. He recollected well the discussion in that House with regard to Emanuel Hospital, and it would have been better, perhaps, if his right hon. Friend who was then at the head of the Government had been more cautious than he had been in pouring out the vials of his wrath on those who hankered after the flesh-pots of Westminster, and in also speaking of the Corporation of London as being gorged with wealth, for he thought to himself at the time that the seats of the sitting Members for London, Mr. Alderman Lawrence and Mr. Crawford, were sure to go at the next election. He felt strongly that the summary dismissal of a man like Lord Lyttelton, who from his high character and his rough and ready common sense, was just the man to do away with corruption and jobbery in high places, was “a heavy blow and great discouragement.” Another of the unfortunate effects of this measure would be the exclusion of a large number of gentlemen who took an active interest in education, and who would be disqualified from acting as trustees. It would also throw great obloquy on the Church. The measure was unwise and impolitic; it was also most unjust. What was more he thought it a mistake, and he heartily wished that the Government would yet retrace their steps in this matter. If he took a more party or interested view on the

subject of education he should say to the Government "by all means go on with the measure;" for nothing would be more calculated to unite the Liberal party, and to bring back Nonconformists to their ranks. The language of the Nonconformists had been that they did not care whether a Conservative or a Liberal Government was in power, but they would now see what they had got, and what they were likely to get. He could not help thinking it most unfortunate when the angry feeling which had been excited some weeks ago regarding elementary education had begun to moderate itself, that they should now be again stirring up the embers of controversy by the Bill. He should heartily support the Amendment of the hon. Member for Hackney.

#### Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, it is inexpedient to sanction a measure which will allow any one religious body to control schools that were thrown open to the whole nation by the policy of the last Parliament,"—(*Mr. Fawcett*),—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

VISCOUNT SANDON said, he was sure the House would agree with him that the hon. Member for Hackney was well entitled to claim their attention on the question of education. What he said would always be listened to with attention on both sides, from the independence he had shown in regard to elementary education, especially in the debates on the famous 25th clause of the Elementary Education Act. He thought, however, that on the present occasion the hon. Gentleman in quoting what he had said ought to have been more careful to quote him correctly. His hon. Friend said he (Viscount Sandon) had threatened, speaking for the Government, to point their guns against the Nonconformists; but he said nothing of the kind. He said exactly the contrary—namely, that the political Nonconformists were pointing their guns upon the Church, and thereby grievously hindered the action of those who, like himself, were endeavouring to draw together the Nonconformist Churches and the

National Church. Surely the hon. Gentleman was not justified in placing words in his mouth on this important subject, which were precisely opposite to what he actually used. With regard to the Amendment, he saw in it no allusion to the subject of the Commissioners; so that that was not a fair subject for discussion on this occasion. But, as the right hon. Gentleman the Member for Greenwich had given the weight of his opinion against the way in which he (Viscount Sandon) had alluded to the Commission, in the remarks which it was his disagreeable duty to make respecting it on the second reading, he felt bound to bow to the right hon. Gentleman's superior experience and judgment, and most willingly expressed his regret if he did not sufficiently enlarge on the good work of the Commissioners which no one was more ready to acknowledge, though he could not but blame their general administration of the Acts; but he certainly thought that he had carefully guarded himself in his first speech against undervaluing them, or denying their high qualities, which were well known to all. He would also remind the House that he had carefully quoted every word of praise of the Commission contained in the Report of the Committee of the House of last Session, though it was obviously against his argument to do so; but he was glad, and felt it right to place these favourable statements on record. Surely, in their political life, in that House, when they constantly felt obliged to blame severely the acts of hon. Gentlemen opposite them when they held high office, it was not supposed because they did not at the same time praise some of their proceedings, that they thereby implied a want of appreciation of any of their services to the country as public men. It was their right and duty to criticize freely any of the proceedings of public men in that House, without it being thrown in their teeth that they had no appreciation of their public services. And on the same ground he held it was both his right and his duty as representing the Government, to criticize freely the action of the Commission, without being charged with want of appreciation of the good work which had undoubtedly been effected by their instrumentality. He need hardly say he had felt it his duty to be a very

disagreeable one, for one of the Commissioners, he was happy to say, was a friend of his own. Though, of course, there was much which had been rightly done by the Commissioners, and with which he desired to express his hearty sympathy, still he must say that he saw nothing to retract in what he had said as to the present position of the Commission, and their impaired powers of future usefulness. Hon. Gentlemen opposite, as he had ventured to prophesy—on introducing the Bill to the House—they would do, now bore the highest testimony to the conduct of the Commission; but why had they not done so last year? Why were they silent last year in the discussions on the Bill, or when the duration of the Commission was shortened from three years to one year, while the judgment of the country was yet in suspense? Why did not the hon. Member for Hackney himself defend them, when he saw the current of public opinion was setting against them, and that their usefulness and their very existence was virtually closed by the short extension of the powers which were last year assigned to them, without a protest from the right hon. Member for Bradford, or from the former Prime Minister, or from anyone in that House? Why did he not protest against the charges in the Act of 1869, made by the right hon. Member for Bradford by the Act of last year, which differed in degree principally from the present Bill? Had they then spoken out, possibly the judgment of the country would have been somewhat different. Only one conclusion could be drawn from their coldness or silence last year. As to what had been suggested, that the Lord President and himself ought to have entered into communications with the Commissioners during the four or five months they had been in office, it was surely absurd to think that they could consult them as to the duration or cessation of their own powers, or enter into friendly and confidential relations with them, when the Government proposed to allow their Commission to expire. And it must always be remembered that this Commission was only appointed for a short time, partook nothing of the character of a permanent department of State, and was always mentioned by the right hon. Member for Bradford as having a temporary existence and a some-

what tentative character. Many of the remarks of the hon. Member for Hackney were utterly mistaken, both with regard to the object of this Bill and the intention with which the Government would work it out. The hon. Member spoke of the opening of the schools to the whole nation through the policy of the last Parliament. Now, he wished to clear away all misapprehension on this subject. The endowed elementary schools had no Conscience Clause imposed, and therefore had not been, what the hon. Member called, opened by the last Parliament. It was reserved for the present Government, by the present Bill, to propose to open the endowed elementary schools to all by a Conscience Clause; and as for the grammar and other secondary schools, the last Parliament provided—under the guidance of the Government of the right hon. Member for Greenwich (Mr. Gladstone), and under the direction of the right hon. Member for Bradford (Mr. W. E. Forster)—that a close denominational Governing Body and masters in Holy Orders might be stipulated for in the new trust deeds of all schools—even before the Toleration Act, and however early they were founded—if there was certain strict evidence of the denominational intention of the founder; and last year the evidence which was to be accepted in proof of such intention was still further extended by the right hon. Member for Bradford as to some 100 or 150 schools after the Toleration Act. These schools were, indeed, open to all under a Conscience Clause, which gave also the advantages to all children of all, except certain specially reserved, exhibitions and emoluments, even if they claimed to be exempt from the religious teaching and observances. This was equally the intention of the present Government, and they believed it was equally secure under the present Bill, without a special Conscience Clause; but, to prevent any misapprehension, though they were assured it was not needed legally, they re-enacted the Conscience Clause, which they intended to carry—and were assured would carry—the same opening of all the exhibitions, &c., mentioned above, to Nonconformists. As to the wording of the Conscience Clause, it was considered so much a matter of course that, after the draftsman had been instructed to re-enact the fullest Conscience Clause—meaning, of course, the provisions of the one in the

original Act of 1869—no further attention was, he believed, paid to the clause, and it was passed as a matter of course. He was willing, however, to take blame to himself for not observing that the words “religious instruction” were not put in as well as “religious observances.” That it was only an oversight the House would clearly acknowledge, as he himself, in his first speech, explained the Conscience Clause as exempting from both religious instruction and observances; and, respecting the admission of Nonconformists—whether they accepted or rejected the religious teaching and observances of the endowed schools—to the exhibitions, &c., of the schools they were informed by their legal advisers that, in accordance with the intention of the Government, the same security was given by the Conscience Clause of this Bill as in the Act of 1869. As, therefore, not only the Conscience Clause was fully preserved as it was before; but as it was also proposed to be extended by the present Government to many more schools, that was to the elementary endowed schools, in addition to the grammar schools; and considering that free access to all exhibitions, &c., was intended by the present Government to be secured by this Bill, just as much as by the previous Act, to the children of all denominations, the principal point remaining at issue between the hon. Member for Hackney and the Government was, the constitution of the Governing Bodies of the schools. Now, as he had stated in his first speech, that the Government did not propose that the Governing Bodies should necessarily be of one creed, any more than did the right hon. Gentleman opposite (Mr. Forster), he thought the remarks of the hon. Gentleman the Member for Hackney were more fairly directed against the Act of 1869, and that of 1873, and the principles laid down in them by the Liberal party, than against the Bill of the present Government, which only fairly and justly carried out those principles. The Bill of 1869 gave absolute power to the Commissioners to appoint all the Governors of one denomination, in schools where the endowment was proved to be denominational, according to the express terms, as defined strictly by the act of the founder’s will. The right hon. Gentleman the Member for Bradford proposed and sanctioned that

even with reference to schools dating before the Toleration Act. There was not, therefore, one shred of principle involved in the present discussion. Not one protest was made against that Bill at the time; the question now, therefore, was only one of evidence and of degree. In the opinion of Lord Lyttelton himself, if the Commissioners were bound to adhere strictly to Clause 19, the result was an absurdity, and they—the Commissioners—had felt bound to act in this way. Hon. Gentlemen opposite were in this dilemma—they must acknowledge either that it had been their wish to keep intact a clause which, admittedly, led to an absurdity, or that they had meant the clause to be a sham. He did not believe they had meant either. It seemed to him they had not been aware what the operation of the clause would be, and that had they been aware of it, they would in the first instance have materially altered the provision. Last year, they acknowledged, by producing an amending Bill, that to a certain extent there had been an absurdity. With regard to schools founded after the passing of the Toleration Act, that amending Bill altered materially the requirements as to evidence showing the wishes of the founders. But it did only partial justice, and it was now desired that full justice should be done. It had been said that Her Majesty’s Government, as a new Government, was debarred from making the proposed changes which proposed to do injustice to no class or Church in the community, to take nothing from anyone which they had already, but to prevent a gross absurdity being perpetuated—as acknowledged by Lord Lyttelton and his brother Commissioner—and a gross injustice being perpetrated by the strict interpretation of Clause 19, which the former Commissioners had thought they were bound to give, and which other Commissioners might equally assume. But, how could that be maintained in the face of the fact that last year a Liberal Government had itself introduced a Bill to amend that sacred legislation of 1869? Was it meant that no improvements were to be made, except by the Liberal party? An injustice had to be remedied—an injustice which, he believed, had in many cases been unintentionally done by the right hon. Gentleman opposite; but, being con-

vinced that an injustice had been done, Her Majesty's Government had felt it their duty to do all in their power to remedy it. There was no analogy between the present case and that of the University Tests Act. With regard to the latter, the matter had been frequently before the country on the hustings, and the sense of the nation had been deliberately taken; and he, for his part, would be the last to seek to reverse legislation effected under such circumstances. But the Endowed Schools Act had not, before it became law, been before the people, and it had been subjected to amendment by the very Government which introduced it. Moreover, it was well known that the verdict of the nation at the late General Election was in some degree based on the proceedings of the Government under the Endowed Schools Act. He would appeal to all who had so lately canvassed the constituencies of the country, whether they did not find great and widespread dissatisfaction with the working of the Endowed Schools Act, in almost all the localities where its operation had been felt. Was it a question which hon. Gentlemen opposite would care to have tried upon the hustings? He believed they would sooner think of flying. There was this further difference between the University Tests Act and the Endowed Schools Act, that in connection with the former, the Liberal Government went on the avowed principle of disregarding the wishes of the founders, while as to the latter, they laid down the principle that the wishes of the founders were to be kept in view. Her Majesty's Government had proposed the universal adoption of a Conscience Clause, with the view that scholars attending the grammar schools might have all the advantages of these schools, without being obliged to attend the religious worship of the body to which the schools belonged, or to receive religious instruction to which their parents objected. With regard to the appointment of a Governing Body, under Clause 18, Government simply desired that there should be no hard-and-fast line drawn as to the action of the Commissioners, as he had said in introducing the Bill, the Government had no wish that the Governing Bodies should necessarily be of one particular creed. While seeking to act with justice to the Church, they

wished, as he strongly expressed it in his first speech, to have all due consideration for the wishes and feelings of Nonconformists. He, for one, would have never consented to put his hand to a measure which would close the great Governing Bodies of the endowed schools against their Nonconformist brethren. These, then, were the views of Her Majesty's Government on this important part of the question; he had hoped that he had clearly expressed them in his opening speech; and he thought now the House would agree that the hon. Member had little cause for his somewhat vehement invective, and that he himself had some reason to complain of having been misrepresented in this difficult and complicated matter, and of the intentions of the Government having been misconstrued and misunderstood. Taking warning, however, from the experience of the last Commission, and remembering how, under the strict interpretation of the former Act, much larger powers were put at the disposal of the Commissioners than were, he believed, intended or understood by the House at the time, and also observing that very different constructions had been put by different hon. Members upon some clauses of the Bill from what had been announced and intended, the Government were determined to prevent any misapprehension for the future. With this view they would propose an additional clause in Committee, removing all doubts, in accordance with his declarations in his original speech, as to the action of the Commissioners respecting the Governing Bodies. With this view they would give more full directions as to the administration of the powers which it was proposed to intrust to the Charity Commission, and they could add words which would prevent any doubt as to the mode in which the powers of the Commissioners should be exercised. Where, in the instrument of foundation, it was expressly laid down that all the members of the trust should be members of a certain denomination, it was proposed they should be so. In the same way, if provision was made that a certain proportion should be members of a certain denomination, it was desired that this direction should be observed. In other cases, Government desired that the matter should be settled by the Commissioners in accordance with the requirements of the locality con-

cerned, keeping, of course, in view what he had said originally of the intentions of the Government, that they did not wish that the Governing Bodies should necessarily be of one particular creed. He believed that this measure as a whole, not, of course, in all its details, had been accepted not only by the great mass of Churchmen, but also by the great mass of the Nonconformists of the country. Of course, the Government did not expect that those hon. Gentlemen opposite who had acted as the mouthpieces of Nonconformist, political, liberationist societies would pursue a course of conciliation; but he believed the great mass of Nonconformists would welcome the measure, and assist the Government in carrying it out. He trusted he had shown that the Bill and the intentions of the Government had been much misunderstood, and that a cloud of exaggeration had been thrown round the whole matter. This was not altogether unnatural in the heat of a party debate; considering, also, the complicated character of the subject of the Bill itself, which was obliged to follow the perhaps necessarily complicated working of the Acts of 1869 and of 1873. He appealed, then, after the explanations he had given, to all hon. Members in the House to help the Government in their efforts to reform these ancient endowments. He appealed to all the Members of the House to put aside their party and sectarian differences, and removing this great subject from the sphere of party contest, to give their assistance to the Government in their honest endeavours to re-awaken the interest of the country in this great undertaking, and to give fresh life and vigour to these ancient institutions. Thus, they might hope that the main intentions of their honoured founders might be once more thoroughly carried out, so that a liberal and religious education might be made available for the large and various middle class of our land; and at the same time, a door be again opened, whereby the children of merit and talent of the labouring classes might be admitted into these higher schools, so that in time, they, too, as well as the middle classes, might, if fitted by superior genius, industry, and character, share all the advantages of the highest in the land; and thereby, he doubted not, the general prosperity

and renown of our common country would most surely be promoted.

MR. W. E. FORSTER said, that after listening attentively, he was unable to perceive that the concession offered by the noble Lord the Vice President of the Council would make any alteration in the Bill. He (Mr. Forster) understood that the noble Lord proposed to insert clauses under which the Commissioners, in certain cases, would not be obliged to appoint as Governors members of one particular Church. He never supposed that the original Bill meant that they should be so compelled; but he supposed that it would provide, even with these alterations, that when there were no Dissenters upon the Governing Body, none would be admitted. Such an arrangement had been found to be so unjust and so disadvantageous to education in the Act of 1869, that a Proviso was inserted, that the Commissioners should be obliged to insert a clause preventing the co-optative Governors from acting in that way, and directing that religious opinions were not to affect the qualifications of the Governing Body. The clause in question was one of the most important in the Bill, and the House was placed at a disadvantage in not having the Amendments before it, and he imagined that the noble Lord had inadvertently omitted to move the adjournment of the debate, in order that they might know exactly the nature of the measure before them. Everything depended upon the exact words of the Amendment proposed. So far as he could understand, they had no meaning; but if the noble Lords' comment upon them was correct, they would mean a great deal. The noble Lord and the right hon. Gentleman the Secretary of State for War had endeavoured to make him (Mr. Forster) and the late Government accomplices in the exclusion of Dissenters, and they had been told that Clause 4 of the present Bill was naturally deduced from the principle laid down in the Act of 1869. But he appealed to any Member of the Select Committee which considered the Bill of 1869, to say whether more than one or two Members of the Committee would have voted for anything approaching the exceptions now to be made. They wished at that time to arrive at the founder's wish in regard to schools which had al-

ways been denominational, and no allusion was made to the Toleration Act. The question as to time first came up last year, when they decided that Orders to the effect that the Governing Body should be members of a particular Church should not be considered before the Toleration Act, because at that period there was only one Church which could be mentioned. Experience, in the case of the Sherborne and other schools, had shown that the words used in the Act of last year as to the teaching of children in doctrines and formularies were not the wisest that could have been used; but was it wise to break the compromise that was entered into last year, and to go a little further than that compromise? It was obvious that the enormous majority of the schools had come under the operation of the Act, but the effect of the noble Lord's Amendment would be to put, and to keep, those schools under exclusive Church control. He was sure that that was not the intention with which the Act of 1869 was passed. One of the objects of the Act was, that the schools in a certain district should be amalgamated; but if they were put under exclusive Church management, it would be utterly impossible to amalgamate them. The noble Lord said he met that difficulty; but the noble Lord could not meet that difficulty, unless he would make it incumbent on the Governors not to proceed on their old principle of excluding Dissenters. The noble Lord said, indeed, he somewhat regretted the tone of his remarks respecting the Commissioners; but he added that his speaking of the good work they had done in some cases did not prevent him from complaining of their general conduct. The most curious feature of the noble Lord's speech was that he did not condescend to enter into particulars. The noble Lord said that they were unpopular, and that they did not get through their work as soon as was expected; but there had been no attempt to show how they had misbehaved themselves in the general conduct of affairs, and it would, indeed, have been extremely difficult for the noble Lord to obtain the necessary materials. He (Mr. Forster) was surprised to find that although the Endowed Schools Commissioners had been working under the Education Department since the present Government came into office, no intima-

tion had been made to the House that there was any intention to get rid of them, neither had there been any communication on the subject between the Lord President or the Vice President and any one of the Commissioners; consequently, the noble Lord had had no means of ascertaining whether the impression he had formed of their general unpopularity was well founded or not. Of course, there would be an end to all Royal Commissions, if a Government were to yield to every cry of unpopularity, and to prejudice matters before entering into personal correspondence with the Commissioners. He must say that the late Government would never have thought of appointing men to perform a task which must necessarily be unpopular, and of afterwards refusing to give them that heed of consideration which was their due.

MR. NEWDEGATE: I am not at all surprised that the right hon. Gentleman the Member for Bradford should defend the Commissioners, seeing that he recommended the noble Lord the Vice President of the Council, the other night, to retain them, because he had found them to be very useful tools. No doubt, that was a high recommendation; but it does not follow that the noble Lord is bound to accept the recommendation, unless he is to believe that the Commissioners are not the men of principle which the hon. Member for Hackney (Mr. Fawcett) has described them to be, and would be as ready tools for his policy as they have been for that of the right hon. Gentleman the Member for Bradford. The position of the noble Lord seems to me to be this—he is about to repeal certain words in the original Act, in order to make the present Bill conformable to the sense of the late Government, since the Act of 1869 did not justify the conduct of the late Government or the Commissioners. Why, one great cause of the unpopularity of the Commission throughout, has been that the country felt that the Commissioners had exceeded the powers which were given them by Parliament, and were too much inclined to act in accordance with the views of the hon. Member for Hackney, who appears to be opposed to religious education. That was the principal gravamen of the accusation brought against them; and now the noble Lord comes forward to bend the

*Mr. W. E. Forster*



Act of 1869—if I understand him rightly—to the wishes and intentions of the right hon. Gentleman the Member for Bradford, according to whose own showing, in this debate, there has been a straining, if not a contravention, of that Act. I have not been a Member of this House quite so long as the noble Lord opposite (Lord George Cavendish), and I confess that I have not acquired his wonderful power of swallowing unpalatable measures—his facility in accepting every measure that may emanate from a Government to which he is attached. The noble Lord admitted that his conscience pricked him in the case of Emanuel Hospital, and that the conduct of the Commissioners in the case of a school in his own neighbourhood was not, in his opinion, justifiable; yet, now the noble Lord comes forward—he, a Constitutional Whig!—to do—what? To impugn the proceedings of a Conservative Government, because they venture to displace a Commission which had been appointed by their Predecessors. Now, if there is one constitutional doctrine clearer than another, it is the doctrine which condemns the Government by permanent Commissions appointed by one party in office, on the understanding that they are not removable by their successors in the Government. In my judgment there is nothing more unconstitutional than to hold that it is in the power of one party to erect a Commission with permanent powers practically beyond the control of Parliament, and that those Commissioners shall be deemed to have a vested interest in their office. I say, Sir, that I am surprised that an old Whig like the noble Lord should rise in his place in this House, and endeavour to justify and proclaim a principle which has the vice of attempting to control the action of Parliament by the appointment of a permanent and independent Commission. As an old Tory, then, I beg distinctly to condemn the idea that Parliament or the Government has the power to establish a Commission which shall be held to be irremovable by the succeeding Parliaments. Yet, that is the principle which is contended for by the hon. Member for Hackney, who, forsooth, has held up Birmingham before the House as the model town with respect to education. Birmingham is situate in the division of Warwickshire which I

represent, and I lament that Birmingham alone, among the great towns of this country, has accepted the principle that religion should be dissociated from education. That, then, is the example which the hon. Member holds up for the approval of the House, when we are engaged in the discussion of a Bill which will affect the education given in a vast number of endowed schools throughout the country! Does the hon. Member intend that the principles of the Birmingham League shall prevail in those schools? If he wishes that, I believe that he will find himself in a smaller minority in the country than in this House. And it is because I am apprehensive as to the effect of the change in the Act of 1869, contemplated by the Amendment which has been hinted at by the noble Lord the Vice President of the Council for the first time to-night, that I deprecate any yielding up of the principle of that Act, which, God knows, went far enough to uproot the principles of religious education, by rendering instruction in religion most difficult in every school that was brought within its operation—I mean within its operation, in the sense of the right hon. Gentleman the Member for Bradford, who now complains that he is bound by his own acts to limit the Governing Bodies of those institutions to persons being members of the Church of England, when he intended that these foundations should be open. Sir, I want to know what the Established Church is? I admit that there is some ground for the intense prejudice expressed against the Church by the hon. Member for Hackney; but I hope when the Bill standing next on the Orders of the Day—the Public Worship Regulation Bill—has become law, and been in operation for a few years, the cause for that prejudice will have disappeared. In the meantime, I protest against the perpetual iteration of the supposition—for it is no more—that the Church of England is something alien and separate from the nation, instead of being that form of religion which is professed by the majority of the people, and which ought, therefore, to have a predominant influence in the education of their children.

MR. DIXON said, he entirely repudiated the definition of the Birmingham scheme which had been put forward by the hon. Member for North Warwick-

shire (Mr. Newdegate). What they wished to see done was that the religion taught in the schools should be taught, not at the expense of the ratepayers, but voluntarily, by the Church which undertook to do so. They did not exclude religion from the schools. But that was not the question before the House. The clauses of the Bill now before the House had been so drawn as to produce a considerable amount of confusion in the minds of those who had tried to understand them; but, so far as he knew, there was nothing in them to compel the Commissioners to form a scheme which should force the Governing Body to exclude the members of a particular denomination. What he understood Clause 4 to say was, that every school was to be subject to an exceptional scheme, where the original foundation required the rules of the school to be submitted to any person holding a position in the Church—the effect of the clause would be, that, whereas the Act of 1869 declared that in certain schools there should be Governing Bodies created which should represent the locality in a fair and just manner, this clause would permit the existing self-elected Bodies to continue to elect, to fill the vacancies in their own Body, such persons as they might themselves prefer. Those persons might be the members of a particular Church. And if the Commissioners should propose a scheme which in any way interfered with this power, which they had hitherto exercised, this clause gave to the Governing Bodies the power to reject that scheme, and it was that power which was so given to the Governing Bodies, which he objected to. In the course of the debate on the Bill it had been dealt with in its more general aspects, and it had been discussed with reference to the great principles involved in it, but he should like to direct the attention of the House to the manner in which Clause 4 would operate in the town of Birmingham. It would operate there in a manner which would be extremely prejudicial to the cause of education. He did not wish to advocate any views which should be merely in the interest of any particular sect or section of the community. He did not stand there as the Chairman of the League, but he wished to express the views of an association of which he was the Chairman, which had been in exist-

ence in Birmingham for many years past, and which had for its object the reform of the Grammar School of King Edward VI. The Commissioners had prepared a scheme with regard to that school, and if the scheme had been passed into law, the Governing Body would have been elected on the principles of representation and co-optation. The religious teaching given in the school would have been decided by the Governors; and the masters elected to teach in the school would not have been compelled to be either members of the Church of England or in Holy Orders. When that scheme was published, opposition was offered to it by the Governors, and they moved to have the scheme rejected in the House of Lords. Lord Salisbury undertook to be their spokesman, and he told the House of Lords that the Act of 1831, under which the school was now governed, provided that the head master and the second master should be clergymen, and the assistant masters members of the Church of England; also, that the examiners should ascertain whether the boys were well founded in the principles of the Christian religion. Lord Salisbury stated also that the Governors had implored the Commissioners that the school might continue to hold the position of an institution where the fundamental principles of the Church of England were inculcated, and in consequence of that representation, the scheme of the Commissioners was rejected. That meant simply this—that it was the wish of the Governors and the determination of the House of Lords, that that school was to be continued hereafter as a Church of England school; but he would ask the House whether that was or was not in accordance with the charter of King Edward VI.'s School. That charter stated that the school was to be for the education and instruction of boys perpetually, and that 20 men of the more discreet and trusty inhabitants should be elected as Governors, and that the statutes for the regulation of the school should be made by the Governors, with the advice of the Bishop of the diocese for the time being. But did those words constitute the school a Church of England school? It was true Lord Salisbury did not refer to the charter of the school, but to the Act of 1831. That, however, was only an Act of Parliament. If the

Act of 1869 could be virtually repealed by the Bill now before the House, then both the Act of 1874 and the Act of 1831 could be repealed; and he hoped before he sat down to show good reason why they should be repealed. But the Act of 1831 was not the usual basis of the opposition to the scheme of the Commissioners. It was not said that the Commissioners were wrong, because they were deviating from the Act of Parliament; but it was said that they had deviated from the directions of the first founder. Lord Salisbury was wise enough not to refer to what were the directions of the founder of King Edward's School. In the terms of the original charter which he had read there was no reference whatever to the religious qualifications of the Governors, and although it was true that the Bishop was called upon to advise on the question of the regulations of the school, yet he would point out that in those days it was not an easy matter to find anyone who should throughout all time be capable of giving the kind of advice which was required in an educational institution, and it was very natural that a person of undoubted education and position like a Bishop should be fixed upon as one who might be presumed always to have the necessary qualifications. It was on educational grounds solely that he was called upon to give his advice, and it was a straining of the point to say that therefore that was to fix the school as belonging to the Church of England. He would give an illustration of this. In a great number of schemes of the Commissioners the clergy were made *ex officio* Governors. The Nonconformists objected to that, and it was replied to them, that those clergymen were appointed *ex officio* members of a Governing Body not because they were clergymen of the Church of England, or that it was wished to imbue those Bodies with the character of Church of England institutions, but because it would be extremely difficult to secure a sufficient number of educated men for Governors in some districts, and it was a wise proceeding to say that the clergymen of the Church of England in such localities, who must of necessity be educated men, should be *ex officio* Governors. In all probability that was the same reason why the Bishop was appointed under the original charter. There was

another reason why it should be considered extremely probable that, when the Bishop was appointed as a visitor of the schools, it was never intended thereby to stamp the schools as Church of England schools. They had had a discussion in the Midland Counties as to the meaning of the word "free" as applied to schools. Many thought it meant that the scholars should be admitted free; but the head master of the Grammar School at Shrewsbury said it was a mistake to suppose so, as it was a translation of the Latin word "*liber*," and meant freedom from ecclesiastical domination. If that were so, it was a corroboration of what he had stated before, that it was not intended that the advice of the Bishop should make the school a Church of England school. There were other reasons why it was not advisable or wise that they should strain that interpretation given by Clause 4 to the words of the original charter. The school in Birmingham was endowed originally with an income of something like £30 a-year, derived from the rental of land; but now it had an income of £14,000 a-year, and in all probability, before the close of the century, that income would be doubled. He would ask where did the difference between the £30 and the £14,000 come from? It came from the additional value given to the lands by the industry of the inhabitants of Birmingham, and he thought it was a fair thing to say that that endowment was not exclusively the endowment of the original donors of the land, but it was in part value given by the inhabitants of the town; and they had a right to urge that it was not a wise thing to strain the words of the charter and to say that one half of the inhabitants of the town should be excluded from the management of the school. They were to a great extent the donors and endowers of this magnificent school; they might fairly ask what the original so-called pious founders would have wished to have done under the present circumstances if they had lived in these days. The founders of the school were practically the inhabitants of the town, for they petitioned King Edward VI. to allow certain lands, which had previously belonged to a Roman Catholic corporation, to be used for the purpose of a school. If those inhabitants had been present now, and the

to the appointment of the masters. Yet, here it was not merely the question as to whether they would make their choice from one half of those who were fitted or from the whole, but it was as to whether they were to restrict the selection to those only who were in Holy Orders—whether they would restrict the appointments, as his hon. Friend (Mr. Fawcett) had so ably pointed out, to one-fifth or even one-tenth of the number of men qualified for these positions. He (Mr. Dixon) would therefore again ask, ought the Bill to be allowed to pass, which would in this way inflict such a blow on the future educational power of a large institution like King Edward VI.'s School at Birmingham. It seemed to him that the Government would not be able to stand forth again as the friends of education if they were to follow out the policy of the Bill, which it was admitted was framed on behalf and in the interests of the Established Church. He was quite sure that throughout the whole of the Nonconformist Bodies, and amongst a great many of the members of the Church of England, the Bill was regarded solely in this light. He was sure that it would inflict a great blow on the educational interests of the country. Under these circumstances, it was the duty of the House to endeavour, by every means in its power, to throw open both the Governing Bodies and the educational staffs of these schools to the people, in order that they might enjoy the full sympathy and the hearty confidence of the communities they were intended to benefit. He did not think that the Bill would in the end tend to the benefit of the Church of England itself, and he hoped that the Government would still listen to the remonstrances of that side of the House, and, recognizing how deeply the country felt on the question, would consent to withdraw the Bill.

Mr. GOLDNEY said, the speech which the hon. Member for Birmingham (Mr. Dixon) had delivered against the Bill ought to have been directed against the Bill of 1869, which was brought in by the right hon. Gentleman the Member for Bradford. It was a fact that King Edward VI.'s School at Birmingham produced most excellent scholars; the hon. Gentleman himself had given an illustration of that. The hon. Gentleman, however, had failed

to show that the Governing Body had acted unfairly to the inhabitants of Birmingham, or had appointed bad masters. The present Bill grappled with three points. The first was, that the Charity Commissioners should carry out the Endowed Schools Act, instead of that work being allowed to continue in the hands of the Endowed Schools Commissioners; the second was, to give a definition to certain words in the Act of 1869, which the Endowed Schools Commissioners had considered over and over again, but which they said they were unable to define; and the third was, to carry out the 19th section of that Act, which provided that the religious education which it was intended should be given to scholars should be continued. He did not think the hon. Member for Birmingham had carefully read the Bill. The Bill would give the Charity Commissioners powers which were contemplated by the framers of the Act of 1869, and enable them to deal with schools which had not already been dealt with; and he thought the Government had acted wisely in conferring the power upon them, instead of continuing it in the hands of the present Commissioners. Those Commissioners had been unable to carry out the principles of the Act of 1869, and he thought it desirable that some new body should be constituted for that purpose. It appeared by the evidence of Mr. Roby, that the Endowed Schools Commissioners intended to carry out the ideas of the Endowed Schools Inquiry Commissioners, instead of doing what was required of them by the Act of 1869, according to the interpretation which the right hon. Gentleman the Member for Bradford put upon that measure when he introduced it, and which interpretation received the assent of the majority of the House. The Endowed Schools Commissioners said, the Report of the Schools Inquiry Commission would be their only guide in carrying out the Act of 1869; but the view of the right hon. Gentleman the Member for Bradford, when he introduced that measure, was directly opposed to the carrying out of that Report. The Endowed Schools Commissioners, therefore, in taking that Report as their only guide in carrying out the Act of 1869, were not only opposed to the view which the right hon. Gentleman the Member for Bradford entertained when he intro-

duced the Bill, but also to the views of a large portion of the House, and to those of a large portion of the country. The Endowed Schools Commissioners had also manifested hostility to the principles of the Act of 1869, and complained that its provisions were indefinite, especially the 19th and 24th clauses, and, under those circumstances, were the Government to leave the matter to the discretion of three Commissioners who had become so unpopular? The number of disputed points as to the powers of the Commissioners was considerable. One or two Commissioners were strongly of opinion that they had no power under the Act to appoint *ex officio* any minister of religion, but the right hon. Gentleman the Member for Bradford took another view of the matter, which was referred to the Law Officers of the Crown and to Lord Selborne, whose opinions also differed. Therefore, it was absolutely necessary to define more clearly what Parliament really meant, and the present Bill did this. Very harsh language had been undeservedly applied to the present Bill; but the real fact was, that in its provisions Her Majesty's Government had shown an anxious desire to remedy defects which the Endowed Schools Commissioners themselves alleged to exist in the Act. The Commissioners had dealt with a large number of schemes, and it was both wise and politic, under the circumstances, to hand over the rest to the Charity Commissioners as a permanent body.

MR. JAMES regretted that the hon. Member for Chippenham, as a lawyer, had not explained the 4th clause, which was so extremely complicated and difficult as to be to a layman almost incomprehensible. For instance, on the question what evidence should be admitted as to founders' wishes, the provisions of the clause seemed likely to lead to misconception and dispute. In his opinion, they ought not to look at specific words, but to take the drift of the founder's meaning; to consider the period at which the foundation was made; and see if they could not adapt it to the necessities of modern times. He should not have addressed the House, had he not been engaged some years ago in framing a scheme for one of the largest endowed schools in England—Christ's Hospital—with reference to which he wished to point out that,

although it contained many most valuable provisions, it was barren in its results, through opposition of that part of the Governing Body which belonged to the Corporation of the City of London. No doubt the Commissioners had done some objectionable acts; but they had done nothing so objectionable as the obstruction of the Corporation on that occasion, by which the interests of thousands of children had been sacrificed to morbid love of patronage and antiquated local feeling. In dealing with any question affecting these endowed schools, the principal duty of the House was to consider how far they might be made advantageous to the general interests of the middle classes of the community, and how they might best be made to serve the educational interests of the nation at large. His opinion was, that the work of the Commissioners had been satisfactorily and well done, and he regretted that, by the introduction of the Bill, a conflict was raised between steeplehouse and conventicle in reference to these schools. The Endowed Schools Act was a thorough and complete measure, and ought to have commended itself to public opinion; but, unfortunately, the English people preferred a compromise. He still, however, believed that the Act might have been carried out so as to effect a great transformation in regard to the condition of middle-class education. The difficulties in the working of the Act were not religious difficulties; they had not arisen from the 19th section. He admitted it was an error of judgment on the part of the Commissioners to send out Paper S in relation to elementary schools, and it would have been better to have treated each case on its own merits. There was not a single instance in which so-called pious founders wished religion to prejudice general education, and he would give as an authority Mr. Matthew Arnold, who showed the evil results of such prejudices in his recent work on University education in Germany. He was no enemy to the Church of England, and certainly no enemy to religious education; but he could not conceive anything more injurious than to hand over the children of these schools too much to clerical training. There was in the present Bill something which savoured of retaliation; but the day might not be far distant when the Government would

be repaid in that respect with compound interest; they might gain a momentary victory, but it would be fatal in the end. The Government had better withdraw the measure, and he would appeal to the noble Lord the Vice President of the Council not to provoke an internecine war between the Church and the Dissenters, on what might speedily become a burning question. He regretted the prominence which had been given in the matter to these Church questions, as tending not to the benefit, but to the injury of the Church itself.

MR. ALDERMAN COTTON said, he rose not so much to support the Bill as to vindicate the Corporation of London and the City Guilds, the members of which were men of integrity, who might be trusted honourably to carry out any beneficent purpose. It was by mere accident, and owing to the great rise in the value of property, that they found themselves in possession of large accumulations at the time the Endowed Schools Commissioners were appointed; and the Haberdashers' Company were preparing a scheme for the management of their foundations prior to the formation of the Commission. He hoped that the Bill before the House would be agreed to, for in his opinion it was a good measure; and he further believed that the abolition of the Endowed Schools Commissioners would be a great source of satisfaction to the whole country.

MR. LEATHAM: My hon. Friend the Member for Chippenham (Mr. Goldney) has laboured hard to show that the Bill makes no material change in the law, because it simply defines Clause 19. I think my hon. Friend's argument would do honour to the distinguished profession of which he is an ornament. The Bill makes no material change, because by defining Clause 19, it sweeps nine-tenths of the endowed schools of the country into the net of one particular denomination. Now, the noble Lord the Vice President has made some concessions this evening; but can any hon. Member really say what his concessions amount to? Until we see what they are in black and white, we are scarcely in a position to say whether they are concessions at all, and it is therefore almost impossible to continue the debate. I would suggest that the proper course would be that the debate should be adjourned, in order that the

House may see what the noble Lord's concessions really are. The noble Lord quoted from the evidence of the Commissioners, as though it might be read in favour of the Bill; but I can conceive no greater abuse of that evidence than to quote it on behalf of these changes. I have looked to see what the Commissioners really did say, and what do I find?—

"The suggestion which I should make," said Mr. Roby, "if the thing were entirely at my own disposal, would be to omit Section 19 from the Act altogether; and I should do so on the principle that it is the one clause in the Act which directly refers to the founder's intentions, and which attributes to his intentions, however long ago he may have lived, the right of prescribing the religious character of the school to which his endowment applied."

And what says Lord Lyttelton? I suppose hon. Gentlemen who cheered a moment ago, will admit that he, at all events, is a friend to the Church, since he is one of the Vice Presidents of the Church Defence Association—

"I believe the time will come," says Lord Lyttelton, "when it will be held to be one of the strangest superstitions ever entertained, that a dying man is to have the power of directing for all future ages what is to be done with his property."

And he supported his opinion by a reference to that of Lord Hatherley. Lord Lyttelton adds—"I would myself repeal, not only Clause 19, but Clause 17." Finally, Sir, what says Canon Robinson? His evidence has been greatly relied upon, because he speaks of the awkwardness of Clause 19 as it stood. Now, what is his suggestion for its amendment?—

"I would extend the provisions of the section by providing that wherever the intention of the founder was distinctly and in full view of the existence of other denominations than his own, to limit the religious teaching to a particular denomination in that case, the foundation should fall under the section."

Well, but I have the authority of Canon Robinson for saying that his suggestion was fully met by the Amendments of my right hon. Friend the Member for Bradford, last year. What becomes, then, of any sanction for the Bill which is to be extracted from the evidence of the Commissioners? The fact is, that the whole weight of the evidence taken by the Committee was diametrically opposed to the changes proposed under the Bill. I will not weary the House by quotations, but content

myself with one from the evidence of a witness whose opinion will be regarded with equal respect on both sides of the House. The Bishop of Exeter was asked by Sir John Pakington this question—

“In a case where there may be no express words in the foundation, but where, through a long course of time, a school has been connected with a certain denomination, would you hold that to be a sufficient indication of the intention and a sufficient reason for maintaining this connection?”

He replied—

“I think it immediately becomes a question whether it is not an usurpation on the part of those who have for that length of time held the endowment, if it appears that it was not originally intended for them.”

“However long the usage?” he was asked; and he replied—“However long the usage.” Now, Sir, perhaps it may be thought that since this is avowedly a measure of reprisals, and since I belong to a class which it is intended to hit the hardest by the Bill, I am about to indulge in the language of indignation and anger. I am about to do nothing of the kind. Although I was astonished at the audacity of these proposals, I cannot say that they caused me any real alarm. In the very nature of things this measure must be ephemeral. Unless we can conceive it possible that the whole current of public feeling upon these questions is about to roll back towards the source which it left 50 years ago; unless we can assume that the whole policy of the country in these respects is about to undergo a Radical change, it is impossible that this measure can survive the Administration which has produced it, and upon the reputation of which it is likely to confer but little lustre. So that we can afford to sit very comfortably under the *cæ vietis*, which the noble Lord flings at us from the other side of the House. Indeed, from one point of view, instead of feeling resentment, we ought to feel gratitude. The noble Lord has achieved something of which many of us began to despair. He has re-united the Liberal party. Everybody in the House knows the distress to which we were reduced by the abundance of our Leaders, and the paucity of our principles. With that benevolence of heart which distinguishes him, the noble Lord has relieved us from a great embarrass-

ment, he has handsomely presented us with a policy. He has given us something for which we can fight with an unbroken front, and in support of which our regiment of commanding officers can forget for a time the urgency of their individual claims to pre-eminence. Now, Sir, I am not going to argue seriously against this Bill. When it is proposed to revoke and annul powers and privileges which only five years ago were conferred upon large classes of Her Majesty's subjects with the deliberate and unanimous consent of the Legislature, the burthen of proof rests not with those who are robbed, but with those who rob them; and as regards the arguments in favour of the original change, the House is perfectly familiar with them. They are to be found scattered broadcast through the great debates of the last half century, and the recognition of their truth has been written and re-written upon every recent page of the Statute Book. I think I might even claim as a convert the right hon. Gentleman at the head of the Government, after the speech which, in a burst of convivial candour among the tailors, he delivered about “Religious Equality.” I only hope that he did not speak with this Bill in his pocket. And now, Sir, before I sit down, let me ask the noble Lord one question. How is he going to avoid the contrast which he will have created in the public mind—the cruel and crushing contrast between schools which have been reformed under the Act of 1869—schools to the benefits and endowments of which every Englishman is welcome, and from the government of which no Englishman is excluded—and, on the other hand, schools which are to be reformed under the mean and narrow conditions of this Bill? Broad and narrow, side by side, they will challenge public opinion; the one, monuments of a larger statesmanship than that of the noble Lord; the other, memorials of the caprice—I had almost said the bigotry—of those whose highest boast it will have been that they have waylaid, and for a few years, perhaps, intercepted, on its way to the nation, the impartial bounty of Parliament.

MR. HEYGATE said, that while expressing his regret that the measure should have been brought forward so late, he wished to point out that the last Government had asked the House to

legislate on the subject at an equally advanced period of the Session. He was also sorry that party considerations should have been imported into the discussion of an educational question. That was a small measure to have called forth so grave a censure from hon. Gentlemen opposite, and, in fact, he did not remember a case in which the scope of a Bill had been so much exaggerated. He could not admit that, as had been contended on the other side, the effect of the Bill would be to exclude Nonconformists from the government of the endowed schools. It was an undoubted fact that the Commissioners had become very unpopular; indeed, he believed them to be the most unpopular body in the Kingdom, for public opinion had become alarmed at their proceedings, and at the last General Election the Conservative candidates did not find anywhere more votes than in those districts where the Commissioners had been at work. He believed that unpopularity was due to the fact that, relying upon the presence in the Preamble of the words, that it was "desirable to place a liberal education within reach of all classes," the Commissioners administered the Act in a sense different from that in which it had been understood both by the House and the country. He maintained that the present Bill was not a reversal of the policy of the late Parliament, but was a legitimate and logical carrying out of that policy; and even if the Bill reversed that policy, he failed to see why the rules of the last Parliament should be observed and maintained for ever. It was never supposed that the Act of 1869 would justify the course which had been taken by the Commissioners, for the first step in connection with any new scheme was to abolish the existing rules of the school, and the next was to remove all the Governors, without reference to their conduct. If he was wrong in this statement, the right hon. Gentleman opposite would correct him.

MR. W. E. FORSTER said, he had not known one scheme in which a considerable number of the members of the old Governing Body had not been retained.

MR. HEYGATE said, he would admit that in a sense some were re-admitted, and also that some of the old rules might be incorporated in the new ones; but he

must still assert that the Commissioners made a *tabula rasa* as the first step in their proceedings. The right hon. Gentleman the Member for Bradford (Mr. Forster) disclaimed, in 1869, any intention of regarding this as a party measure, and there was certainly nothing in the debates on the Bill to prepare the country for the party use to which the Bill had been turned. The present Chairman of Committees (Mr. Raikes) supported the Bill as "merely embodying the feeling of Parliament that there should be a reform and re-organization of Endowed Schools." Who would have thought that these words would be taken to justify the disestablishment of the Church of England in respect to the management of the schools which were connected with it. The right hon. Gentleman the Member for Bradford had himself stated that if the Bill of 1869 had been a party measure he could never have expected to carry it, and a party measure it would have then appeared had all these things been foreseen. Several Conservative Members, approving of the principle that these schools should be thrown open to pupils of all denominations, heartily applauded the measure, not thinking that the reforms and organizations which it was destined to produce would interfere with the wish of the founders in respect to who were to constitute the Governing Body. After four years, however, the late Government, strong as they were, found that they could not ask for the renewal of the powers of the Commissioners without a full inquiry into their conduct, and therefore a Select Committee had been appointed to conduct the investigation, and he (Mr. Heygate) had had the honour of serving upon it. The right hon. Gentleman had found some fault with the constitution of the Committee, and had referred to the views of Alderman Lawrence, who then represented the City. He did not recollect, however, that the Committee profited much by the hon. Alderman's vote, except where the City of London was concerned. The Committee consisted of nine hon. Members sitting on the then Ministerial benches, the right hon. Gentleman (Mr. Forster) being Chairman. He had the benefit of the *doctrinaire* spirit of two other hon. Members of the Committee, Mr. Powell and Sir John Pakington, who might at first be classed

*Mr. Heygate*



porters of the policy of the Commissioners, but who were compelled by the force of evidence to throw in their lot with the opponents of the Bill. There were 30 divisions altogether, in 13 of which the numbers were 9 and 9, and all these were carried by the casting vote of the Chairman. It was worth remembering, too, that these divisions were taken upon the very questions upon which this Bill was based, although the measure fell very far short of the Amendments on which the Committee divided. The chief contest was on Section 19 of the present Bill, which was fairly described by Canon Robinson in the Paper of last year as an attempt to preserve the denominational character of certain educational endowments. It recognized the cases in which the founders had sufficiently provided for the denominational character of the education to be given, and if the Commissioners were guided by common sense and reason, and did not take too technical a view, he believed there would be no difficulty in administering the 19th section. When the proceedings of the Commissioners were known, it was no wonder that there was some alarm on the part of the Church of England at the injustice done to that Church by the accidental phrase "express terms," the meaning of which had been wrested in a sense contrary to common reason and the evident intentions of the founder. It was, however, said that only two schemes of the Commissioners had been challenged in that House, both of which had been affirmed; but he did not consider that a valid argument to show a general acquiescence in favour of their doings, for it must be clear to everyone that if an hon. Gentleman did bring forward the case of any small grammar school, he could not expect to get the House to listen to his complaint. Further, he had been requested to bring more than one of these cases before the House, and other hon. Members had been, no doubt, similarly importuned; but what chance was there of bringing these small endowments before the House with any success, however grievous the hardship, when hon. Members sitting on his side the House knew that these schemes had received the sanction of the Vice-President of the Education Committee, and when the Government of the day had a majority of 100 in that House? The

"panic-stricken trustee," as he had been called, was only too glad, under such circumstances, to make the best terms he could. Moreover, granting that the effect of the Bill would be to bring various schools under Clause 19, what would be the result? The schools would not become Church schools, the children would not be excluded from secular or religious education, nor would Dissenters be shut out from a share in their management. An elective element was introduced by the Commissioners themselves in forming the Governing Body of schools under Section 19, and it was quite possible, by the introduction of that element, that Nonconformists might become predominant in the Governing Body. There was a case in point in which that had actually happened, in Dr. Morgan's school at Bridgwater. The right hon. Member for Bradford, in 1871, had expressed himself favourable to the principle of denominational schools being governed practically by gentlemen belonging to the denomination. That was a perfectly fair and intelligible principle; and he (Mr. Heygate) only asked for the Church what was fair, equal, and just. She desired no special privilege or favour, nor did she seek to exclude from the management of schools Nonconformists, provided they were not the majority, so as to render the education inconsistent with the scheme of the schools. He hoped and believed the Church was strong enough to say she would be content with nothing less.

Mr. SHAW LEFEVRE said, he wished to congratulate both the House and the noble Lord the Vice-President of the Council on the altered tone of his speech that evening. In his former speech, for the first time, he had brought into these educational debates, a spirit of sectarian animosity which it had been the great object of his right hon. Friend near him to avoid. On the present occasion the noble Lord had made some amends for his former speech, but that alteration was rather in form, than in substance. The noble Lord spoke of concession, but as his Amendment was not laid on the Table, he (Mr. Shaw Lefevre) could not very distinctly speak to it. As he understood, the effect would be that in certain excepted cases, it would be competent to the Charity Commissioners, where the

foundation did not require that all the Members of the Governing Body should be Members of the Church of England, to exercise a discretion in putting Non-conformists on the Governing Body; but it would not be compulsory for them to do so. The value of the concession would entirely depend on the extent to which it was compulsory, and the number of cases in which it would be applied. If one of the complaints against the present Commissioners was, that they had appointed such a small number of denominational managers, what was to be expected from the Commissioners who would be appointed by the present Government? The Charity Commissioners would take their views from the speech of the noble Lord, and as that speech was sectarian, the Charity Commissioners' views might be expected to be still more sectarian. A great deal would also depend upon who the Charity Commissioners would be, for to the three new ones would be committed practically the work which had been carried on by the Endowed Schools Commissioners. The noble Lord had intimated that the Commission was dead. Now that was not the fact. The late House of Commons gave it three years, and it was only the House of Lords that restricted its existence to one year. When the late Government went out of office, the Commission was still living. The present Government had been in office for nearly six months. During that time 42 schemes had been submitted to them, and had become law; and the noble Duke at the head of the Education Department had no fault to find with any of them. They had now between 200 and 300 schemes before them, and their inquiries were still in progress. If the noble Lord was dissatisfied with the course pursued by the Commissioners, why did he not have a consultation with them on the matter? Although the noble Lord had been in office now for nearly six months, during the whole of that time he had not a single personal interview with these Commissioners, who were endeavouring to the best of their ability to do their duty. Was there ever such shabby treatment offered on the part of the Government to public officers? It was evident that, from the first, Government had intended to kill that Commission, and, that being so, why was that Bill

not brought in earlier in the Session, in order that an expression of public opinion might have been obtained upon it? If the present Commissioners had been treated so ill, what chance was there that independent men would be found to act on the new Commission? Those who were likely to accept the position would be mere creatures of the Government, appointed only to carry out schemes conceived in a sectarian spirit. No doubt, that was the main object of the change now proposed. In looking at the Endowed Schools Act of 1869, I could not help being surprised at its moderation. It was founded on a compromise, some portions of which I for one, regretted; and if hon. Gentlemen opposite were prepared to tear that compromise, he warned them that they must also prepare for the opening of a much wider question in future. Those on his own side of the House would wish to apply a much broader principle to those endowed schools than that embodied in the Act of 1869. The clauses of compromise contained in the Act were now made the excuse for the present re-actionary Bill. The object of the Bill before the House was to hand over to the Church of England every school that did not in the plainest and most express terms belong to one of the Nonconformist Bodies; and many schools which had been dealt with by the Commission in a manner beneficial to the public would have been dealt with very differently had the present Bill been in operation. As he had said, the Act of 1869 was a compromise, and it provided, in the case of schools founded before the Toleration Act, that if the founder's will distinctly stipulated that they should be Church schools they should remain so. All the old charters contained some reference to religion, and the effect of the Bill would be to hand over all the schools established before the Toleration Act would be handed over to Church of England managers. Of grammar schools 554 were founded before the Toleration Act, and there was not a shadow of foundation for saying they ought to be handed over to the Church of England. For instance, the case of Sherborne and Penryn Schools, where the instrument of foundation provided that the children should be taught the Catechism, that all reference to religious teaching had been

held to be sufficient to bring them under Clause 19, and were made Church schools by that Act. Again York School, founded by Edward VI., and the school at Walsall, founded by Queen Mary in 1584, in the foundation deeds of which it was provided that the statutes should be drawn by the Archbishop or the Bishop, had not been dealt with by the Commissioners as Church schools; but under the present Bill, they would be made such. Ripon School was another institution in the same circumstances. He was particularly anxious to be informed by the Government whether it was intended that the operation of the Bill should be retrospective, and whether schemes which had been already acted upon were to be so altered that schools now open to the whole nation were to become sectarian? He should like the noble Lord to state whether that was the meaning of the Bill. It appeared to him, that the Government must show either that they would treat all the schools in the country in the same manner; or else reverse the policy of 1869, and subject the schools which had already been dealt with to the new treatment under the present Bill. Why should Bradford and Halifax have their schools thrown open, while the schools of Manchester and Birmingham remained sectarian? He would mention cases of endowed schools which had not been dealt with by the Endowed Schools Commissioners. There was the case of the endowed school at Stockport, founded in 1487, and the only reference to religion in the foundation deed was that the priests should teach grammar. That brought it within the scope of the Bill now before the House, and would make it a sectarian school. Would the will of the founder in that case be carried out? Then there was the case of the endowed school at Manchester, founded in 1525, and the only reference to religion was, that the children were required to attend Divine Service in the only places of worship then permitted by law. The case of Birmingham was especially important, the scheme of the Commissioners having been rejected in the House of Lords, on the motion of Lord Salisbury, on the sole ground that it provided for Nonconformists being connected with the Governing Body. In that case, the election of the Governing Body had been co-optative; and though there was no compulsion, Churchmen alone had been elected

to the Governing Body. He should, therefore, like to know whether the noble Lord intended to bring that school within the scope of the compromise he had that evening shadowed forth, and to instruct the Charity Commissioners to appoint a certain number of Nonconformists on the Governing Body? If it was not intended to do that, the compromise was worth nothing. The school at Dulwich was another strong case in point. The only fact in connection with the foundation which brought it within the scope of the Bill was, that in 1619 Edward Alleyne, its founder, provided that both the masters should be divines. When founded, the property of the school was of small value, but now it had reached to nearly £15,000 a-year, and in the course of a few years, it would have reached an annual value of about £50,000. That was due to the progress which had been made by London, and he asked whether the people who had created that wealth were to have no participation in its benefits, and no voice in the manner in which it should be expended for the good of the people? Could it be supposed that if Alleyne had lived in the present day, he would have proposed to narrow the scope of his generosity to one particular Body? He maintained that that would not have been the case, and he therefore asked Parliament to withhold its assent from a Bill which would have an effect the founder could not be suspected of having desired? Another part of the Bill proposed to repeal that section of the Act of 1869, which enabled the trustees of existing endowed schools to dispense with any of the conditions with reference to religious instruction, and that appeared to him to be a serious alteration of that Act. He would remind the noble Lord that a few nights ago, in introducing the Bill, he spoke of the Dissenters as attacking the fortresses of the Church; but on the present occasion, he had invited the Dissenters to arm those fortresses. He (Mr. Shaw Lefevre) did not know what the noble Lord's concession might be; but he hoped that it might at all events, mitigate some of the severity of the Bill now before them. In conclusion, he would express a hope that the gathering force of public opinion would prevent the success of a re-actionary measure, with which it was

idle to suppose the country generally would be satisfied.

Mr. FORSYTH said, he must congratulate the Liberal party on their having at length found both a flag and a rallying cry. He (Mr. Forsyth) accused right hon. Members opposite and their followers with attempting to make political capital out of the Bill. He did not accuse the hon. Member for Hackney (Mr. Fawcett) of joining in the attempt, because he was too independent to do so; but he did accuse him of having uttered a speech containing monstrous exaggerations, and of having on the very slightest foundation, built an enormous superstructure of misrepresentations. It had been stated over and over again—especially in that portion of the public Press which still followed the fallen and broken fortunes of the Liberal party—that the measure was one of retrogression; that it was a counter-revolution; that it was a step on the downward path; and that now, for the first time, the Government were attempting to reverse the policy of their predecessors. These were serious charges which ought to be met, and he intended to meet them boldly and fairly, and at the same time, seriously. If the charge against the Government—that they were adopting a policy of retrogression—were well-founded, it must be on one of three grounds—first, because an expiring Commission had not been renewed; secondly, because the powers of the expiring Commission were to be transferred to the Charity Commission; and, thirdly, because the clauses of the Bill respected the wishes of the founders of the endowments. In referring to the first ground, he had nothing to say against the Commissioners personally, but no one would deny that, whether they had acted rightly or wrongly, they had become most unpopular throughout the country; in fact, the hon. Member for Hackney had given five reasons why they had become unpopular, and that was a good reason why, for the purpose of carrying out such delicate functions as were involved in the Commission, the Government could not appoint Gentlemen who were in that position. And what had the Government done with regard to the second ground? By the Acts of 1869 and 1873, the Commission would expire in December next, and if the Government had wished to throw a

slur upon the Commissioners, they would have continued the Commission, and appointed new Members on it; instead of which they had chosen another body—the Charity Commissioners—who were perfectly competent to discharge the duties now performed by the Commission. There was nothing re-actionary in such a transference. With respect to the third ground, if the question was now being brought before Parliament for the first time, he could have understood the logic of hon. Members opposite, when they said that the will of the founders of the endowments should not be respected; but by the Act of 1869, which was carried by the Liberal party when they were in a powerful majority, it was deliberately enacted that wherever the express will of the founder could be ascertained from the terms of the deed of endowment, that will was to be respected and the Commissioners were to have no power to draw up a scheme at all, either as regarded religious teaching or the Governing Body, with respect to such endowment. What more did the present Bill do? What was done in construing a will at Doctors' Commons? If the terms were express, *cadit questio*. But if there were any doubts, the Judge compared its several parts; and in that way, found out the testator's wishes, and he gave effect to them just the same as if they had been expressly declared. That was what Clause 4 did, and nothing more. The last four lines were—

“Any evidence admissible by law shall be receivable as evidence of the contents of the original instrument of foundation, and of statutes and regulations made by the founder or under his authority.”

What could be fairer? If nothing was said in the original document, then, what had been practised for 100 years was to be respected. Was not that quite fair? Was not a user of 100 years enough? Would they prefer that the time should run from the Act of 1779 alluded to by his right hon. Friend the Member for Edinburgh (Mr. Lyon Playfair) when Dissenting schools first became distinctly recognized, and that the clause should say “since the passing of that Act?” For his part, he should not object to that; all he wanted was simply fairness, whether on the one side or the other. When they talked of retrogression and re-action they should look at Section 19 of the Act of 1869, which

excepted all those schools from the grasp of the measure, which the present Bill did. Was it, he asked, logical or fair to say that because they proposed to ascertain the will of the founder, they were guilty of retrogression? It should be remembered that the schemes of the Commissioners were passed during the last years of an expiring Parliament, and that the right hon. Gentleman the Member for Greenwich stated the other night, that the Parliament towards the close of its career did not represent the will of the nation. Why, then, was a House of Commons which did represent the will of the nation to be stopped from undoing that which a Parliament that did not represent the majority of the country had done? He denied that the Bill was a re-actionary measure in the true sense of the word. It was only carrying out the principle of the Act of 1869 by giving it a fair and proper interpretation, and he trusted the Government would not give up the measure, or be frightened because hon. Gentlemen opposite, claiming to be the Liberal party, in want of a political cry and a rallying standard, had accused the Conservatives of adopting what they had called so often and so loudly "a retrogressive policy."

Mr. MUNDELLA said, it was with the greatest regret he had heard the speech in which the noble Lord the Vice President of the Council had moved the second reading of the Bill. He altogether denied for himself that he had any desire to make political capital out of the question, or that the Liberal party opposed the measure in order to get up a rallying cry. He for one had lost some political capital by his adherence to his educational principles, and had not the right hon. Member for Bradford (Mr. Forster) been charged with sacrificing his own party on the educational question? If any party was obnoxious to such a charge, it was the occupants of the benches opposite. ["No, no!"] What other motive could they have for introducing such a measure as that? No definite charge had been brought against the Endowed Schools Commissioners, who were taunted with being unpopular, because they had interfered in cases of abuse, injustice, jobbery, and corruption. The cry of unpopularity had been raised *ad nauseam*, and the hon. and

learned Gentleman who had just sat down had simply repeated the cry when the subject of the removal of Emanuel College was under consideration. He did not hesitate to say that if one of the City Guilds considered itself attacked; if its members thought they were about to be deprived of one spoonful of turtle soup, a similar cry would be instantly raised. He was sorry to say that he found it difficult to separate the Bill from the speech in which it was introduced by the noble Lord the Vice President of the Council of Education. The noble Lord had a very disagreeable duty to perform, in following the lead of the noble Duke who declared he was the Minister of Education. However, he screwed his courage to the sticking point, and came down to the House and rather over-acted his part. But he had shown by the gentle and considerate words he had that night spoken, that he had not entirely departed from the spirit of courtesy and candour which had usually distinguished him, and he (Mr. Mundella) believed that if his own better nature were allowed to prevail, the noble Lord would induce his Colleagues to greatly modify their Bill. When, however, he remembered the evident exultation with which the noble Lord had disposed of the Commissioners, he could not help thinking of words familiar to them all—Byron's description of Lambro—

"He was the mildest-mannered man

That ever scuttled ship or cut a throat."

The noble Lord had not only scuttled the ship of the Endowed Schools Commissioners, but he had relegated them to that "something after death" which was yet more dreaded. In speaking of them, he had said that he would not call them from the shades to which they had departed. Seriously, he hoped the noble Lord might change his mind as to the Bill, and that the question might be re-considered, otherwise a cry might be raised in the country which might prove ruinous to the noble Lord and his party. His hon. and learned Friend opposite (the Solicitor General) spoke a great deal of the will of the pious founder, and every one was anxious that it should be respected; but hon. Gentlemen opposite were the last men who should talk of respecting the will of the founder for the truth was they were willing to respect it so far as it suited their pur-

pose, and no further. How far did they respect it in 99 cases out of 100 where these charities were founded as free schools for the poor of the country? Where the endowment had been rich and the school good, it had been appropriated by the rich; but when it had been comparatively poor, and the school good for nothing, it had been left to the poor. The Blue Coat School was founded for City Arabs, but how many of that class were to be found within its walls? Why did they not respect the will of the founder in that respect? The county of Nottingham bristled with endowments. There was one valuable endowment founded in the reign of Queen Elizabeth, by which 12 poor girls were to this day employed in spinning jerseys by hand to be distributed to the poor, who sold them in the public-houses for drink. The grammar schools of Nottingham and Newark were founded upon an express condition, that the scholars should attend mass so many times a week, and pray for the souls of the founders. Were they going to respect those direct and express instructions of the will of the founders? He would give an illustration. The grammar school of the town of Nottingham was in 1864 brought before the Charity Commissioners and the Court of Chancery. There were then 60 scholars. The school was reformed through the determined perseverance of one man. The scheme was some years in hand; but it was so enlarged that handsome buildings were erected—the finest in the locality. Now the scholars numbered 300, and the school was one of the noblest institutions in the county. Who brought all that about? A Nonconformist. Large subscriptions had since been raised for scholarships, and the first name on the list was that of the hon. Member for Bristol (Mr. Morley) for £1,500. The Nonconformist Body had subscribed more than half the sum required for scholarships; and yet under the Bill those very men would be excluded from the Governing Body of the school for which they had done so much. Was that just? It was most unfortunate for the country that there was no good system of secondary education under the control of the State. That had been greatly needed in times past, though in spite of all difficulties, men like Stephenson, Arkwright, and Strutt, had established themselves as

inventors. The endowed schools, instead of being thrown open to the industrious classes, were now to be closed. ["No, no!"] They were about to shut them—to narrow them, and the consequence would be, there would be no ladder by which the poor boy of genius could rise in the ranks of intellect and culture, except by means of endowed schools. This Bill shut the door of hope against the working classes which had been opened in 1869, and converted the school of the community into the dead school of a sect. Was that wisdom? Was it sound Conservative policy? By the Bill also, they were about to strike a blow at the greatest Conservative institution of this country. Hitherto there had been a tacit compact that whenever a step had been taken in advance, it should not be retraced. But this Bill reversed that policy. It was really a bad Bill. He trusted the Liberal party would follow the example of the party opposite in their plucky resistance to all measures to which they conscientiously objected, and would, for the sake of the future culture and education of the people, oppose it at every stage, and by every honourable means in their power.

Mr. FINCH said, he rose to complain that the Endowed Schools Commissioners, whenever they meant to attack a school, sent down their assistant Commissioners to the locality, and collected all manner of reports to the prejudice of the school. In one instance in Lincolnshire, they so disgusted the head master of a school that he resigned immediately, and for four years the Governors had been unable to obtain a successor. The Commission had been a most one-sided body, and had made the disestablishment of the Church in these schools their main object. He was most anxious that the Bill should pass.

Mr. MELLY said, that at that late hour he did not wish to make a speech, but he would appeal to the right hon. Baronet the Chancellor of the Exchequer, who intended, he believed, to follow in the debate, to tell the House the exact wishes of the Government in regard to the exclusion or non-exclusion of the entire Nonconformist Body from the Governing Bodies of these 540 schools. The noble Lord the Vice President of the Council must know that unless at least one-third of the managers

and pupils of these schools were Nonconformists, there would be small chance of obtaining the reform he desired in these schools, and for three reasons. First, without the lever of an united public opinion in the district, the Commissioners would be powerless. Secondly, the exclusion of all Nonconformists would diminish the educational strength of the Governing Body. Thirdly, the children of Dissenters would never be induced to attend a school among the managers of which they had not one friend. The noble Lord had put an Amendment upon the Paper which the House had not yet had an opportunity of studying in print; but, if he understood him aright, a declaration was to be placed at the end of the clause, that it should be in the power of the Commissioners to admit Nonconformists into the Governing Bodies. That power, was, however, inherent in them before. The Bill removed 540 schools from the operation of Section 17 of the Act of 1869, and made them all close schools. The Secretary of State for War, in the Committee of last year, made a proposal that in those close Church schools two-thirds of the Governing Body might be Churchmen, and that the appointment of the rest should be left open. If that suggestion were adopted, some Nonconformists at least might be elected, and he trusted that the noble Lord might be induced by the Secretary for War and the Chancellor of the Exchequer to carry out those views. His second question was in reference to the scholarships, emoluments, and advantages of the schools. Were they open to Nonconformist children or not? At present, by an omission in the Conscience Clause, the Nonconformists had no guarantee whatever. No one would, however, say, when a gentleman of the Jewish persuasion could become Senior Wrangler at Cambridge, that some little Nonconformist child who might come out first in the examination should be refused the place he had won, and by reason of his faith robbed of the honours his industry had gained.

THE CHANCELLOR OF THE EXCHEQUER said, that considering the very great importance of the subject, and the manner in which the action of the Endowed School Commissioners touched every section of the community, it was not surprising that hon. Gentlemen who

objected to this Bill should take the opportunity of renewing the discussion on the second reading upon the Motion for going into Committee. At the same time, he must say, having listened to the greater part of the debate, that nothing, in his opinion, which had been advanced would induce the House to depart from the decision as regarded the question of principle at which it arrived upon the second reading. He thought they must all feel that the best thing to be done now would be to carry the Motion for allowing the House to go into Committee, in order that the Committee might be taken on a future occasion. It was not to be expected that they should enter upon the details that night; but it was to be expected that they would that evening arrive at a conclusion in favour of discussing the details in Committee on the next occasion of their meeting. His noble Friend would by that time have placed his Amendments on the Paper, and hon. Members would have had the opportunity of considering the proposal with clearer ideas than at present. He should not have thought it necessary to trouble the House but for two considerations. In the first place, he must say that his own position was peculiar in some respects, and references had been made to him which he could hardly avoid noticing. The hon. Member for Hackney (Mr. Fawcett) in his very able and powerful address, had referred to the Schools Inquiry Commission of which Lord Derby and himself (the Chancellor of the Exchequer) had been Members, and had given the House an impression that Lord Derby and himself were responsible for the Report of that Commission. He therefore thought it necessary to interrupt the hon. Member and say that he and his noble Friend did not sign it. The circumstances were these. When the Commissioners had been sitting a certain time a change of Government occurred; Lord Derby and himself came into office, and they were unable to attend the sittings of the Commission. When their Colleagues without their presence had concluded their labours and had prepared their Report, the opinion of Lord Derby and himself was taken as to what their course should be, and they agreed that it would be better not to sign the Report, but to append to it a note, stating that they did not sign the Report for two reasons--

first, because they had been unable to attend a great portion of the work of the Commission, and, secondly, because as Members of the Executive Government they thought it better to reserve their opinions and liberty of action as to the recommendations of the Report. They were, therefore, not technically or in reality bound by any of the recommendations of that Report. At the same time he did not wish it to be understood for a moment that he, at all events, in any way repudiated or threw over the suggestions or recommendations of that Report. He had never in any way attempted to dissociate himself from his Colleagues on that Commission, and he would say this further—that if action had been taken by Parliament in complete accordance with the recommendations of the Commission, there would not have been any difficulty in the way of the Government. For what was the main object of that Commission, and what were the means pursued for attaining that object? The main object was, that which had been and still was the main object of their legislation on this subject. There had been some talk of retrograde legislation. Well, there might be changes with regard to detail, but with regard to the the main object of dealing with these Endowed Schools, it was the same as led to the appointment of the Schools Inquiry Commission, on which he had the honour of sitting, which was to make use of the great endowments of the country with the view of promoting and improving the education of the country, and especially the middle-class education of the country. What was the machinery that the Commission recommended to be adopted? Why, it was machinery not in accordance with that used for the last five or six years, but it was machinery much more in accordance with the Bill before the House, because the recommendations of the Royal Commission were these—that recourse should be had to two classes of machinery—in the first place to the Charity Commissioners, to whom should be added some special Commissioners for the special purpose; and, secondly, to the action of local machinery; and the whole tendency and intention of that Report, as he read it, was that it was not desirable to create a new and separate Commission for the purpose of

carrying out the great and difficult work which they had undertaken, but that reliance should be placed for their central machinery upon that well-known and well-organized body, the Charity Commissioners, with such assistance as might be necessary, and that in order to facilitate their labours, recourse should be had to local machinery established throughout different parts of the country. But when Parliament came to consider the subject, it did not adopt that course. Parliament thought it better to appoint a distinct Commission for these purposes, consisting of three Gentlemen of very high character and great ability, and who were selected with a firm conviction that they were competent for the task that was assigned to them, and who were appointed with the view of giving effect to the legislation that had been adopted by Parliament. He wished, of course, to speak with very great regard and respect of those Commissioners. One of them was a relative of his own, another was one of his oldest friends, and the third was a gentleman whom he knew but slightly, but for whom he had very great respect. He was firmly convinced that these gentlemen conducted their business in a spirit, he would not say of the most perfect sincerity and honesty, because that might be taken for granted, but in a spirit of devotion to their work. The way in which they had carried out the task which they understood to be assigned to them deserved and received the highest commendation. But it did not follow that because these Gentlemen were actuated by the highest motives in carrying out their task, or because they addressed themselves to their work with energy and ability, that the machinery which was adopted was the best which could have been adopted, or that they were successful in overcoming all those great difficulties which were foreseen by the Schools Commission of Inquiry. And undoubtedly the experience of the last few years showed what a great fight and difficulty there had been in carrying through this great work. The adoption of that machinery had been open to very serious difficulties and objections. He did not say that a great deal could not be urged in favour of the adoption of a separate Commission; but this he would say, in answer to a question asked by the right



hon. Gentleman the Member for Greenwich, the other night—namely, how did they know that the Charity Commissioners were willing to undertake this work? In answer to that question, he would say that they were not only willing to undertake it, but they had expressed to his noble Friend near him the Vice President of the Council, and to the Duke of Richmond their conviction that there was great inconvenience in separating the duties of the School Commission from the duties of the Charity Commission. In a letter they had pointed out inconveniences which were felt in that respect. He would only say for himself in a very different capacity—he meant his capacity as trustee for some charities—that he had found personally the inconvenience and difficulty from having to go from one body to another—from having to go to the Endowed Schools Commissioners after application had been made to the Charity Commissioners, and from having to go back again to the Charity Commissioners. However that might be, he wished to say a few words upon a matter of a somewhat painful and personal character. It had been suggested that in the course which the Government were taking they were casting a slur upon those Gentlemen who to the best of their ability had filled the difficult and invidious office of Endowed Schools Commissioners. The Government had, however, done no such thing, for it would be a most ungrateful and most suicidal policy on the part of the Government to cast a slur on Gentlemen, even though they might differ from their policy, who had done their work in an honest, fearless, and faithful manner. He quite agreed with an observation of the hon. Member for Hackney—that nothing could be a more unfortunate course for a Government to take than to turn a body of independent Commissioners, who did their work according to their own convictions, into a body of Gentlemen who would have to take one colour from a Liberal Government and another colour from a Conservative Government. But it seemed to him that if that sentiment was correct, as he believed it to be, it pointed to an exactly opposite conclusion to that which the hon. Gentleman would have them draw; because, assuming, as they must assume, that Her Majesty's present Government, who were responsible

for carrying on this work, and who could not get rid of their responsibility for the carrying on of this work of re-organizing the Endowed Schools throughout the country, differed upon certain points, as to the mode of carrying on this work from the views of their Predecessors, the course which Her Majesty's Government had taken was a proper course, because it was necessary that those Gentlemen who had to carry on this work should be in cordial relation with the Government. It was said the Government were making a proposal which was of an unusual character, because it was of a reactionary character. Let them examine what the position of the Government was. It was not quite such a case as those with which it had been most erroneously compared. It was not like the case of the University tests, or any question of that sort which had been settled, and in which the House could not stir, unless they deliberately brought in a Bill to repeal what had been done in past times. But here they found themselves in a position in which they were forced to act. They found an expiring Commission—an Act which was to be renewed, or allowed to drop, and, if it dropped, everything that was doing would drop with it. Well, surely it would be quite as re-actionary to let the Commission expire, and leave the endowments of the country in a state of confusion. It would be much more re-actionary to adopt a policy of that sort and give up the work in which they were engaged and which had been carried on by the will of the country, than to make the change which was proposed in this Bill. The Government would be exposed to some criticism if they took the former course, and a good deal of dissatisfaction would very naturally be expressed. He did not say that no criticisms were to be passed, or that no faults were to be found in the details of the measure proposed by the Government. No doubt, it was a most difficult position, and one which required a great deal of consideration. The hon. Member for Reading (Mr. Shaw Lefevre) said—"Why did you not change your whole proceedings a month ago?" But the matter was not so simple as that. An enormous mass of interests was connected with this subject. It was impossible to throw all those schemes which were now in progress out of gear, and it would

be necessary to give a good deal of careful consideration to the mode, in which this great work should be carried on. What was it that the Government had done? They had brought in this Bill, which, in effect, did two things—first, it altered the machinery of the old Act, rather in the sense of the recommendations of the original Schools Inquiry Commission; and, secondly, it rendered more clear the provisions of the Act of 1869, with regard to the intentions of the founders. It was impossible now to argue the point, whether the intention of the founders ought to be respected or not, because the late Parliament had decided that question in the affirmative; and, therefore, the only matter in dispute was how that intention was to be ascertained. All that the Bill did was to render somewhat clearer and more precise the mode in which the intention of the founders was to be ascertained. He did not say that in endeavouring to accomplish that object not by bodily altering the existing Act, but by reference to its clauses and its terms, it was not possible that incidentally and unintentionally, a different effect might have been produced from that which was the real intention of the Government, and it was the object of the Amendment of which the noble Lord had given Notice to clear up any doubt that might exist with reference to that intention. Those hon. Gentlemen who were acquainted with the Act of 1869, would remember that the 17th clause provided that in every scheme relating to educational endowments, the Commissioners should provide that the religious opinion of any person should not affect his qualification for being a member of the Governing Body of such endowments with certain specified exceptions. Clause 19 of the same Act specified those exceptions, which were—first, in the case of Cathedral schools, and secondly, in cases of educational endowments, the scholars educated in which, were, in the opinion of the Commissioners, required by the express terms of the original instrument of foundation to learn, or to be instructed according to the doctrines or formularies of any particular Church. The present Bill, by giving a new and larger definition of those words, “the express terms of the original instrument of foundation,” would bring within the exceptions a much larger number of

schools than were now included. But some doubt had arisen as to whether it would not act as a direction to the Commissioners, that in all the schools coming within the new definition they were to take care that all the members of the Governing Body were to be members of the Church, or of the denomination in whose doctrines the children were to be instructed. The object of his noble Friend in introducing his Amendment was to disabuse the public mind on that point. The Government did not believe the Bill would have that effect, and the right hon. Member for Bradford (Mr. Forster) said he thought the same, for the right hon. Gentleman did not believe that the words of the Amendment did anything. He (the Chancellor of the Exchequer) agreed with that right hon. Gentleman that the noble Lord’s Amendment would not make any substantial difference in the Bill, although, undoubtedly, they would make the intention of the Government in the matter clearer, and less liable to be misunderstood. In making that proposal the Government did not intend that there should be an exclusion of all Nonconformists from the Governing Bodies of these schools. What they did intend was, that religious instruction should be given in these schools, and that that religious instruction should be in accordance with what appeared to be the intention of the founder. But with regard to the constitution of the Governing Bodies, the House had the assurance of the noble Lord—and the Government would always be ready to repeat it—that they had the greatest repugnance to the exclusion of the great Nonconforming Body from a fair share in the administration of the great public schools of the country. However, it was not convenient to discuss in detail on that occasion the merits of the noble Lord’s Amendment. It was said that the whole thing would turn upon the character of the Governing Bodies; and that if they appointed Governors of a certain complexion, and made the appointment of all future Governors co-optative, they would in practice secure these schools to the Bodies represented by the existing Governors. No doubt, that was perfectly true, and that was the case at the present moment. The hon. Member for Stoke (Mr. Melly) seemed to be running rather wild, when he said that a clause of the

present Act made it compulsory on the Commissioners to place a certain number of Nonconformists upon the Governing Bodies. The clause did nothing of the sort. As matters now stood, it would be possible for the Commissioners to appoint co-optative Bodies of such a constitution that it would be morally certain that to the end of time they would elect Churchmen to join them. It appeared to be forgotten, however, that there were two checks upon the Commissioners—first, that of the Executive Government; and secondly, that of Parliament, by both of whom the schemes would have to be approved before they came into force. He thought the House showed great want of confidence in itself, and in Parliament generally, in betraying that extreme anxiety as to the possible character of the schemes which might be proposed by the Commissioners. All he could say was, that under this Bill, Parliament would retain the same powers as it now had to reject the schemes to be proposed by the Commissioners; and that on the whole, the new Act would be carried out upon the same lines and in the same manner as the system had been carried out heretofore. But there would be this difference—the Endowed Schools Commissioners would cease to exist. With regard to the Endowed Schools Commissioners, he must remark, that they were a body who did not represent any local interests, who were not in any sense a judicial body, and who did not represent the Government; but they held a position which was very anomalous, and which must be very painful to the eminent Gentlemen who were on that Commission. They would no longer be interposed as part of the machinery, but they would disappear, though he trusted their disappearance from the scene would be accompanied by no feeling of unkindness or ill-will, but on the contrary, by a grateful recollection of the services which they had undoubtedly rendered under circumstances of great difficulty. By adopting this Bill, he trusted the machinery connected with the preparation of schemes for the management of educational endowments would be greatly improved, and that the great work before them would be successfully carried out.

MR. LOWE said, that the Bill was one of the most obscure and difficult that had ever come under his cognizance,

and he regretted that the speech of the right hon. Gentleman who had just sat down had quenched the little light that had been thrown upon it in the course of the debate, and had plunged him again into the Cimmerian darkness from which he trusted he had emerged. The right hon. Gentleman most justly and fairly bestowed a high tribute of praise on the merits of the Commissioners; but he said in substance that they were not fit to carry out the change which the present Government contemplated, and therefore it was necessary to put other persons in their place. But while the right hon. Gentleman began with that declaration he ended by saying that the Bill was the same as the original Act, and would be carried into effect on the same principles. How they were to reconcile those statements he could not conceive. If that was making an obscure subject clear he was sorry to say he could not follow it. At any rate, it appeared to be plain that they were to get rid of the old Commissioners, who—according to the testimony of the Chancellor of the Exchequer—had committed no fault, and had merely done their duty fairly and honestly, and were to substitute for them the Charity Commissioners. He was sorry that the noble Lord the Vice President of the Council had thought it right to speak of the Commissioners in the way he did, not only because he did not think they deserved it—and in that opinion he was also confirmed by the Chancellor of the Exchequer—but also because, as the noble Lord would learn when he was a little longer in office, it was the duty of the Government to speak of Gentlemen with whom they were brought into close business relations—gentlemen who had not an opportunity of defending themselves in that House, and who had performed an arduous work with great ability—in the fairest and most considerate manner. But for Government to come forward and speak of those Gentlemen as if they intended to lower them in the opinion of Parliament was a thing which ought not to be permitted except in the gravest cases, and upon grounds which had not and could not be laid before the House. The noble Lord had said that evening that he was sorry he had not said all the good he might of them. But to say all the good one might of people might be, after all, the best way of abusing men by getting credit for candour

on your part, and so making the abuse more telling, as coming from a candid person. The Vice President said that he had fenced himself in on all subjects; but in his (Mr. Low's) opinion the noble Lord had done more railing than fencing. To whom was the Government about to delegate the duties hitherto discharged by the Commission? To the Charity Commissioners—a body of which he ought to know something, having been one of them himself for five years. It was the duty of that body to prepare schemes on all kinds of subjects, and, if approved by Parliament, the persons interested were relieved from the payment of fees. Well, it was the duty of the Vice President to submit those schemes to Parliament, without, however, committing the Government of the day. The result was, those schemes were always opposed by the people of the neighbourhood concerned; they were coldly received by Parliament, and almost universally negatived. Now, what would be the result of giving this new power to the Charity Commissioners, under the same conditions, and with no change but the appointing of two or three new Commissioners? Clearly the same. And here he would say in passing, that before this Bill was passed he hoped the Government would see fit to lay before the the House the names of those new Commissioners. The Charity Commission was a most useful body. Its appointment was most bitterly opposed by the Tory Party of the day, but the Liberal Party carried it in 1853, and no more beneficent institution had been established. It had taken out of the hands of the Court of Chancery the whole business of charities, and instead of hundreds of thousands being wasted in litigation, it managed all their affairs, kept the money, and did this without cost, to the charities, of a single sixpence. If Parliament gave this body the invidious duty under which the late Commission had laboured, was it not quite evident that in a few years the faithful administration of the trust, without pandering to local interests, would break down that body, as it broke down, according to his experience, all bodies that stood up for public as against local interests? The effect would be that the Charity Commission, also, would be broken down under the weight that Parliament would place upon it, for it would

accumulate upon its shoulders double the burden of unpopularity that crushed the late Commission, and the result would be that instead of getting the work done well they would have destroyed a most useful institution, which they would find it impossible to replace. And now, a few words on the Bill. It was almost unintelligible as it was drawn, and one could not find out what it meant, even with reference to the Acts with which it dealt. However, by asking questions and inquiry one might get some faint glimpse of its meaning. The Act of 1869 nationalized and undenominationalized all schools except Cathedral schools, and schools as to which the express words of the foundation within 50 years of the present time required that the children should be educated in the doctrines of the Church of England. That continued up to 1873, and the present law was, that whereas in 1873 the point of departure was fixed at the time of the Toleration Act, now the time of departure was to be altered, and by it some 500 schools were to be removed from being schools open to all subjects of Her Majesty, and would be made into schools of the strictest denominational kind, and would be attached to the Church of England. And here he was bound to say that the change to-night announced by the noble Lord was of no account in the matter. That change was he would not say illusory, but almost wholly unimportant. Well, then, what was the duty of the House under the circumstances? They had just nearly concluded the long campaign in which the Nonconformists of this country had been struggling up to a position of equality with the members of the Church of England. The Liberal party had been playing the game of hon. Gentlemen opposite. Grievance after grievance they had swept away, and by producing more content had, no doubt, strengthened the ranks of hon. Gentlemen opposite and weakened their own. They had come, it seemed, to such a pass that the party opposite thought they were weak enough, and now they seemed to think it necessary that the Liberal party should be strengthened a little. As the Liberal party had done away with old grievances for many years, hon. Gentlemen opposite were resolved to supply them with some that were new. For what other purpose, when these matters had been

settled amicably by agreement between the two parties, hon. Gentlemen opposite should think it necessary to stir up those waters of sectarian bitterness, he could not conceive. What advantage could it be to hon. Gentlemen opposite to put a few children of the Church of England in places now occupied by Nonconformist children, and to put a few Nonconformist children in places of inferiority? That they should do that, and a number of other irritating things, would have no other effect than to stir up bad feeling, retard the progress of education, and re-open wounds that had been healed. What possible motive could have induced them to make a sacrifice of that kind—a sacrifice which must be beneficial to their adversaries? If he were to look at it from a party point of view, he would not ask for anything better; and if he wanted an irritant, he would ask for no better than the noble Lord the Vice President of the Council, who had told the House in so many words that the Church of England and the Nonconformists were divided into two hostile camps, and that the Government was identified with the Church. When an hon. Gentleman in high position held such language, it was time to speak plainly, and to vindicate the Government from the reproach which was cast upon it by its own Members, when they claimed to be the Ministers of a Church, or of any other institution of the country, instead of rising to the height of their position, and being the Ministers of the whole people of England. There was only one thing more with which he would trouble the House, and that was the principle which lay at the bottom of all this, and which appeared to be the most dangerous and subversive which could possibly be laid down. He had, on former occasions, predicted that as the House became less and less aristocratic, the tendency would be to break down the principles upon which constitutional Government in England had been carried on for so many centuries. The principle upon which the country had been governed since the Revolution was that of two parties not enemies, not hostile to each other, not animated by a spirit of hatred, but by a generous and noble rivalry, wishing each to do what it could for the benefit of the country. No one could be insensible to the col-

lateral advantages attendant on the possession of power. But hitherto it had been the prevailing feeling of both parties in this country that they were not to carry on war *à outrance*. These were limits at which they were to stop—they were to be content with certain things, and never to push matters beyond certain limits, not laid down in the written, but in the unwritten law of Parliament. If anything had been laid down in the unwritten law, it was that where, after full consideration, a measure had been decided by Parliament—and much more when it had been decided without division—that measure was entitled to a full and fair trial. That was a Constitutional doctrine, and in the highest degree Conservative; and he regretted to see hon. Gentlemen who ought to be the guardians of Conservative principles and Constitutional traditions coming forward now to upset a policy to which they had been parties, and which had been carried out by their sanction, and by agreement with a Government which was then strong enough to have imposed severer terms. By a swing of the pendulum they found themselves in power, and they wanted to undo the policy of their Predecessors; they found themselves powerful enough to say—"We will undo your policy, not because it has failed, but because we were always opposed to it, and will not give it a trial. You were in a majority, and we submitted; now we are in power, and we will undo your policy." It was, no doubt, in their power to carry this policy; it was an old policy; *Vae victis* was ever the motto of a barbarous people; the policy was easy, because it gratified the passions and the animosities of mankind. It was very gratifying, after a long period of banishment from power, to come in not merely to enjoy the legitimate, but the illegitimate uses of power—not merely to succeed to the government of a great country, but to pay back upon your rivals vengeance for the power which they had exercised in your spite. There was unfortunately only too much in the lower instincts to commend that course, and so he was more grieved than surprised that such a policy should have been adopted; but still he begged hon. Gentlemen opposite to pause and consider its effect, before forcing that measure on against

the convictions of the Liberal party, and against what, so far as they could judge. a short time ago were the convictions of the people of England. When the next oscillation of the pendulum took place—and take place it would—he hoped that the Liberal party would scorn to imitate the example now given them, and that they would not descend to a policy of retaliation. But though he wished that that might be a policy of the next Liberal Government, he did not apprehend, if this Bill should pass, that it would be so. They were made much of the same clay as their adversaries, and if they were vexed and provoked, they would probably retaliate with as little care as hon. Gentlemen opposite. They should, however, remember that “offences will come, but woe to them by whom they come.” Woe to those who were the first to commence a system of employing the time of Parliament, not in making that which had been solemnly agreed upon the basis of future legislation, but in the sterile work of undoing that which they disliked in the legislation of the past. The effect of that would be to degrade Parliament to the level of Continental Assemblies, where, instead of honourable rivalry and competition of public men for the favour of the public, you had men who met each other as remorseless enemies, and who could hardly be restrained from personal violence. He asked hon. Gentlemen to reflect. They had wisely spent a good deal of time in passing measures which the late Government had prepared for them, and had spent the remainder of the Session in endeavouring to discharge their election debts. They ascertained by a minute investigation that the whole sense of the country was against any alteration in the Licensing Act and yet they came down with a Bill to alter it. They had not had time to ascertain whether the measure which they were about to repeal had worked well or not; but they came down, because they were indebted to the clergy just as they were indebted to the publicans for their electioneering triumph—to undo the measure without the least knowledge whether it had succeeded or not. He hoped hon. Gentlemen would yet think better of it, and that they would think that the time of Parliament could be better employed in advancing gradually the improvement of the coun-

try than in a perpetual see-saw between two parties, each undoing the work of the other.

SIR CHARLES FORSTER moved the adjournment of the debate.

Motion made, and Question put. “That the Debate be now adjourned.” —(*Sir Charles Forster.*)

MR. SULLIVAN said, he wished to put a plain, straightforward question to the right hon. Gentleman at the head of the Government. Many hon. Friends of his had voted for the introduction of the Bill; but before they continued the subject, they wished to know what was really the object of the Government. The 4th and 5th clauses of the Bill each contained the expression “any particular church, sect, or denomination,” and in connection with the word “any,” they wished to know whether, under those clauses, schools which had been founded by Roman Catholics would be given over for the education of children of that faith. There were 72 endowed schools which belonged to the Catholics, and there were 49 Roman Catholic Members who voted diversely on the second reading, and whose votes would now be influenced by the reply of the Ministry.

MR. DISRAELI: I think, Sir, the debate has been sufficiently exhausted, and that we can now come to a division upon it. I should say the question of the hon. Member for Louth (*Mr. Sullivan*) is one that had better be discussed in Committee. The hon. Member wishes to know whether the intentions of Roman Catholic founders would be respected since the Reformation. [*Mr. Sullivan: Before the Reformation.*] That would involve us in a question which is not unfamiliar to the House—the continuity of the English Church, and which cannot be discussed on a Motion for Adjournment. As a general principle, the intentions of Roman Catholic founders would be respected; I suppose there cannot be any doubt of that. With respect to the Motion before us, I think we ought not to adjourn. Considering the period of the Session, I think the Motion will not commend itself to the House and I must oppose it.

MR. RICHARD supported the Adjournment. Surely another night was not too much to ask for the discussion of a question in which Nonconformists were so deeply interested. The Non-

conformists were deeply interested in the question, as being about to be subjected to various disabilities, and as yet only one had spoken in the debate.

Mr. A. H. BROWN said, he concurred in the opinion that the Nonconformists had not had fair play, and he must certainly support the adjournment.

Mr. W. E. FORSTER thought the argument was much stronger in favour of the adjournment of the debate than of its continuance. In the first place an hon. Gentleman who had the confidence of the Roman Catholic Members stated that there existed an uncertainty among them as to the course they should take on the Bill, and asked a question of the right hon. Gentleman at the head of the Government, and certainly he did not get a very definite answer. That in his opinion was one reason why the debate should be adjourned; but there was another reason. The noble Lord the Vice President of the Council made a speech that evening, in which he announced his intention of bringing forward an Amendment which would satisfy the objections put forward by the hon. Member for Hackney (Mr. Fawcett), and the Nonconformists; but they had not yet seen it. Then, again, the right hon. Gentleman the Chancellor of the Exchequer did not answer the question put to him by the hon. Member for Stoke, but gave an explanation entirely different from that of the noble Lord the Vice President of the Council. Under these circumstances, he (Mr. Forster) submitted the House ought to see what the words of the proposed Amendment really were, before they came to a vote. But there was another circumstance in addition. The Chancellor of the Exchequer announced that evening a fact which was new to him—namely, that the Charity Commissioners had been offered and accepted the duties of this Endowed School Commission. That was a new matter, and he could not conceive in what way they were to come to a decision on the Motion of the hon. Member for Hackney without having all these matters cleared up. He should, therefore, support the Motion for the Adjournment of the Debate, more especially as he was aware that there was a great desire on the part of several hon. Members on his side of the House to take part in the debate.

Question put.

The House divided:—Ayes 187; Noes 266: Majority 79.

Original Question again proposed.

Mr. MACDONALD said, that considering the large number of Members upon that side of the House who were desirous of speaking he would move the adjournment of the House. The country ought also to have a chance of considering the measure.

Motion made, and Question proposed, "That this House do now adjourn."—*(Mr. Macdonald.)*

Mr. DISRAELI said, that some hon. Gentlemen opposite seemed hardly to be sufficiently aware that if they succeeded in defeating the passing of that Bill by time, the only effect would be that the Commission would expire, and the fondest hopes of those who held probably the most ultra opinions antagonistic to those of the hon. Member who made the last Motion would not be dissatisfied with that result. He thought that the Commission was necessary, and that the prudent provisions which the Government had introduced to the notice of the House would render its action extremely beneficial. However, in regard to the Motion last proposed, he was not at all inclined to enter into any controversy on the subject. He did not object to the discussion being adjourned, and it would be resumed to-morrow. Probably the hon. Gentleman was not aware that the Motion he had made would stop all Public Business, if carried, and he trusted therefore that he would withdraw it.

Mr. MACDONALD said, he would withdraw his Motion on condition that the debate was continued to-morrow—Tuesday.

Question put, and *negatived*.

Original Question again proposed.

Mr. W. E. FORSTER said, he had no wish to prevent the Bill proceeding, but would suggest that the discussion on it should not be resumed to-morrow, which had been already allotted to another important question. They ought to be allowed another day to consider the alterations which the Government proposed to make in their measure.

Mr. GLADSTONE said, he should like to know when the Government

would produce the Report of the Charity Commissioners, which had been promised them by the Chancellor of the Exchequer that night. The right hon. Gentleman had quoted the opinion of that body officially, and it was material with reference both to the machinery of the present Bill and to that of the old Bill.

Mr. DISRAELI moved that the debate be adjourned till to-morrow (Tuesday).

Motion made and Question proposed, "That the Debate be adjourned till To-morrow."—(*Mr. Disraeli.*)

Mr. GOSCHEN hoped a reply would be given to the Question of his right hon. Friend as to the Report of the Charity Commissioners.

Mr. DISRAELI: I am sorry to say that there is no Report in existence. There is a note, which I have seen for the first time this evening. It is extremely brief, and the right hon. Gentleman can have the pleasure of reading it behind the Speaker's Chair.

Mr. W. E. FORSTER said, the statement of the Chancellor of the Exchequer was an important one, and it would have an effect upon hon. Members of the House. It was to the effect that the Charity Commissioners were willing to undertake the duties specified in the Bill, and that they hoped to be able to do so with advantage. If the statement was worth making, it was surely worth while to have the document upon which it was based before the House.

Mr. FAWCETT said, it would be impossible for the debate to be continued unless the document was produced. The Bill was so important that hon. Gentlemen on that side of the House were determined not to let it go into Committee, unless every element which could enable them to come to a decision was laid before the House. They would, therefore, resist the progress of the Bill until the letter was produced.

THE CHANCELLOR OF THE EXCHEQUER said, there seemed to be a strong disposition to make mountains out of molehills. He begged to remind the House that the right hon. Gentleman the Member for Greenwich, on the second reading of the Bill, asked, whether the Charity Commissioners would be willing to undertake the duties, and that he (the Chancellor of the Exche-

quer) stated in reply, that he believed they would, and that his noble Friend had a letter on the subject. He thought time would be saved by his reading the letter, which had been received from the Chairman of the Charity Commission. It was as follows:—

"Charity Commission, 18 July, 1874.

"My Lord,—I understand that you wish to be informed whether any inconvenience has been found to be occasioned by the existence of the Endowed Schools Commission and the Charity Commission as separate and independent Departments. I have no hesitation in stating that much inconvenience, and even mischief, have undoubtedly arisen from this cause, notwithstanding the entirely harmonious action that has been invariably maintained between the two offices. The inconvenience is twofold: 1st, as affecting the Departments themselves, whose time is frequently occupied by correspondence and inquiries which would be needless if the offices were united; and 2nd, as affecting applicants who are constantly perplexed and embarrassed by finding themselves handed backwards and forwards between two different offices for reasons which it is difficult for them to comprehend, but with the effect usually of creating delay and expense, and a corresponding amount of irritation. I have repeatedly felt it necessary to apologise to gentlemen seeking for assistance from this office, for being compelled to refer them to a different Department for the complete attainment of their object, some portion of which may happen to come within the peculiar jurisdiction of the other Commission. The simplification of procedure resulting from the union of the two offices must unquestionably be regarded as a considerable advantage.—I have the honour to be your Lordship's faithful Servant,

J. HILL.

The Right Honble. The Viscount Sandon, M.P."

Mr. GLADSTONE said, he had listened to the letter with great satisfaction; but he could not understand why it had not been produced, and he should therefore give Notice, that he would move to-morrow for the production of the document.

Question put, and agreed to.

Debate adjourned till To-morrow.

FOYLE COLLEGE BILL (*Lords.*)

[BILL 208.] COMMITTEE.

Order for Committee read.

(In the Committee.)

Mr. BUTT, in moving "That the Chairman do report Progress," said, that no explanation had been given as to the effect of the Bill, and he had received representations to the effect that it would altogether alter the system

*Mr. Gladstone*



under which Foyle College, in Derry, had been governed.

Motion made, and Question proposed, "That the Chairman report Progress, and ask leave to sit again."—(*Mr. Butt.*)

SIR MICHAEL HICKS-BEACH said, the Bill was rendered necessary by the Irish Church Act, since the passing of which it was doubtful whether the Bishop of Derry could exercise patronage, in regard to the head mastership of the school at Derry, which he undoubtedly could before that time. The present Bishop was willing to give up his doubtful right; and after consultation with the representatives of all parties interested, a Governing Body had been decided upon, and that was the alteration to which the Bill was intended to give legal effect. There was no opposition, for all parties concerned fully approved of the scheme.

MR. SULLIVAN observed that the fact of proceeding with the Bill at half-past 1 o'clock in the morning, when very few hon. Members knew anything whatever about it, illustrated the inconvenience under which Irish Members laboured in dealing with important measures affecting Ireland.

MR. C. E. LEWIS said, a great portion of the revenue of the College was contributed voluntarily by the Irish Society of London, which was in favour of the Bill. He could not understand what objection could be urged against the proposed Governing Body.

SIR SYDNEY WATERLOW said, that the object of the measure was to throw open what had hitherto been a Church College to members of all religious denominations by re-organizing it on a broad and liberal basis.

MR. PLUNKET hoped the Committee would proceed with the discussion of the clauses.

MR. BUTT said, he must decline to discuss the provisions of the Bill. All he wanted was, that the right hon. Baronet the Chief Secretary for Ireland should give the inhabitants of the North of that country some opportunity of considering the subject.

Motion, by leave, *withdrawn.*

Bill *reported*, with Amendments; as amended, to be considered upon *Tuesday* 28th July.

#### ROYAL (LATE INDIAN) ORDNANCE CORPS [COMPENSATION] BILL.

Resolution [July 17] *reported*;

"That it is expedient to authorise the payment, out of moneys to be provided by Parliament, of Compensation to the Officers of the Royal (late Indian) Ordnance Corps."

Resolution *agreed to*:—Bill *ordered* to be brought in by Mr. RAIKES, Mr. Secretary HARDY, and Mr. WILLIAM HENRY SMITH.

Bill *presented*, and read the first time. [Bill 219.]

#### SUMMARY JURISDICTION (IRELAND) BILL.

On Motion of Sir MICHAEL HICKS-BEACH, Bill to amend the Laws relating to the Summary Jurisdiction of Magistrates in Ireland, *ordered* to be brought in by Sir MICHAEL HICKS-BEACH and Mr. ATTORNEY GENERAL for IRELAND.

Bill *presented*, and read the first time. [Bill 217.]

#### LOUGH CORRIB NAVIGATION BILL.

On Motion of Sir MICHAEL HICKS-BEACH, Bill to authorise the Lough Corrib Navigation Trustees to dispose of part of the Navigation in the district of Loughs Corrib, Mask, and Curra, *ordered* to be brought in by Sir MICHAEL HICKS-BEACH and Mr. ATTORNEY GENERAL for IRELAND.

Bill *presented*, and read the first time. [Bill 218.]

House adjourned at a quarter  
after Two o'clock.

### HOUSE OF LORDS,

*Tuesday, 21st July, 1874.*

MINUTES.]—PUBLIC BILLS—*First Reading*—Shannon Navigation\* (189); Legal Practitioners\* (190).

*Second Reading*—Customs (Isle of Man)\* (165); Intoxicating Liquors (Ireland) (No. 2) (174); Industrial and Reformatory Schools\* (180).

*Committee*—Slaughterhouses, &c. (172-191).

*Committee*—*Report*—Hosiery Manufacture (Wages)\* (163).

*Report*—County of Hertford and Liberty of Saint Alban\* (167).

*Third Reading*—Factories (Health of Women, &c.)\* (143); Vaccination Act, 1871, Amendment\* (161); Chain Cables and Anchors\* (188), and *passed*.

#### INTOXICATING LIQUORS (IRELAND)

(No. 2) BILL—(No. 174.)

(*The Lord President.*)

SECOND READING.

Order of the Day for the Second Reading, read.

THE DUKE OF RICHMOND, in moving that the Bill be now read the second time, said, that its object was to amend

the Act of 1872, relating to the sale and consumption of intoxicating liquors in Ireland, and to assimilate it to the Act recently passed in reference to England on the same subject. The provisions were strictly analogous to those of the English Act. They dealt with early-closing licences, and occasional licences—the remission of duty in the case of six-day and early-closing licences, with the case of *bond fide* travellers, with extension of the time for closing, with offences on premises having occasional licences, with the record of convictions on the licence, and with the record of convictions for adulteration; and with the power of the police to enter premises for the enforcement of the Act. There were also clauses giving the Lord Lieutenant and the Privy Council power to constitute one of the Quarter Sessions a Brewster Session, for the granting of licences annually, and to take away from Petty and Quarter Sessions for the future the power of granting licences for the sale of intoxicating liquors; and also for the purpose of preventing wholesale licences from being used for retail trade. There was also a clause which authorized a person licensed for the sale of intoxicating liquors to entertain *bond fide* friends after the usual hour of closing, at his own expense. These were generally the main features of the Bill, and he trusted their Lordships would read it a second time.

*Moved*, “That the Bill be now read 2<sup>d</sup>.”  
—(*The Duke of Richmond*.)

Motion agreed to: Bill read 2<sup>d</sup> accordingly and committed to a Committee of the Whole House on *Thursday* next.

#### SLAUGHTERHOUSES, &c. BILL.

(*The Lord Steward*.)

(Nos. 172-193.) COMMITTEE.

Order of the Day for the House to be put into Committee, read.

EARL BEAUCHAMP, in moving that the House be put into Committee on the said Bill, said, its object was to amend the law in the metropolis relating to slaughter-houses and certain other businesses, and was rendered necessary by the near expiry of the term of 30 years limited by the Metropolis Buildings Act of 1844, within which certain noxious businesses were permitted to continue

within the metropolis. The 55th section provided—

“That if any such business be now carried on in any situation within such distances, then from the expiration of the period of 30 years next after the passing of this Act, it shall cease to be lawful to carry on such business in such situation.”

Though the wording of that section might appear to be clear enough, in fact, doubts had arisen in respect of its legal construction, and it was contended that those noxious trades might still be carried on in places within the forbidden area if they had existed in those places previously to 1844. It was to put an end to this doubt, and to improve and extend the power of inspection that this Bill was introduced. It had been found that inspection had hitherto worked very satisfactorily, and there was every reason to believe that if the Bill now before their Lordships became law, under more stringent regulations and a system of closer inspection, all cause of complaint in respect of those trades which were still permitted might be removed. There were certain trades which were not desirable in any locality, but which not only afforded much employment, but were very useful to the community at large. If these trades could be carried on without detriment to the public health, transplanting them from one locality to another might be a questionable operation. For instance, if the fell trade were transplanted from Bermondsey, no very long time would elapse before as much inconvenience would be felt from it in its new locality as was now experienced from its being carried on in Bermondsey. Again, the custom of slaughtering in slaughter-houses within the metropolis increased the supply of animal food for the poor of London. A large quantity of what was known as “offal” was consumed by the poor as food, and this could not be if it was not sold fresh and sweet. In the summer months it was absolutely necessary that butchers should have slaughter-houses attached to their premises, so that they might kill and sell to their customers without the risk which would attend the sending them to the shambles, or having to be sent from any considerable distance. It was therefore proposed that these slaughter-houses should be continued under licence. The Bill before their Lordships would

*The Duke of Richmond*

additional powers to the Metropolitan Board of Works and the Commissioners of Sewers for the making of bye-laws in respect of the due regulation and inspection of places in which certain noxious trades were carried on. Clause 2 contained an absolute prohibition against the establishing of the businesses of soap-boiler, tallow-melter, or knacker within the limits of the Act. Clause 3 permitted the businesses of fellmonger, tripe-boiler, and slaughterer of cattle to be established anew with the sanction of the local authority. Clause 11 gave power to the Inspectors appointed by the Privy Council for the purposes of the Contagious Diseases (Animals) Act to enter slaughter-houses and knackers' yards for detection of disease. The other clauses were definition clauses and clauses providing for the making of bye-laws and other details. The Bill had received the approval of the trades affected by it and also of the Metropolitan Board of Works.

LORD LAWRENCE observed that in the vestry with which he was acquainted complaints had been made of the rapidity with which this Bill had been passed through the House of Commons.

*Motion agreed to*; House in Committee accordingly: Amendments made; the Report thereof to be received on *Tuesday* next; and Bill to be *printed*, as amended. (No. 191.)

#### SPAIN—SPANISH EXTERNAL DEBT— ALLEGED REMOVAL OF SECURITIES.

##### QUESTION.

LORD HAMPTON said, that as Chairman of the Committee of Spanish Bondholders, he rose to make an appeal to his noble Friend the Secretary for Foreign Affairs on behalf of a very large number of persons who were deeply interested in the Spanish debt. Their Lordships were aware that an immense amount of British capital was invested in various foreign funds in different parts of the world, Spain included. Spain had creditors in France, Belgium, Holland, and Germany, as well as in England. He had the misfortune to be one of a Committee of English creditors holding Spanish Bonds, and for some time he had acted as Chairman of the Committee which carried on negotiations with the Spanish

Government, not only in the interest of the English bond-holders, but also in that of other foreign holders of Spanish Bonds. No interest had been paid on any part of the Spanish debt during the year 1873—of the coupons that matured in that year not one had been paid. This, of course, called forth remonstrances from the Committee, and the result was that at the commencement of the present year the Spanish Government sent over a proposal for the payment of the coupons of 1873. They proposed the discharge of these coupons by two modes, one of which was this—

“That the Government should deliver to the Corporation of Foreign Bondholders nine pagarés of purchasers of Rio Tinto Mines, which they agreed to supplement by pagarés of the purchasers of Bienes Nacionales sufficient to produce 234,000,000 of reales in cash—this calculation being made under the same rate of discount as results with the pagarés of Rio Tinto, in the latter being valued at 240,000 of reales.”

There was reason to believe that this proposal was made in good faith, and a large meeting of creditors of various countries interested in Spanish Bonds was held at the Cannon Street Hotel to consider it. At that meeting there were some 600 or 700 of these creditors present, and the result was a unanimous resolution in favour of accepting the proposal. Its acceptance was communicated to the Spanish Government; and on the 4th of April a contract was entered into between the Spanish Government on the one hand and the Corporation of Foreign Bondholders on the other. Article 5 of the contract contained this undertaking—

“To carry into effect the foregoing clauses the Government shall deposit in the Bank of England the guarantees offered, and which were accepted by the holders of the External Debt at the general meeting on the 6th of March.”

He need not state more to show their Lordships that there was a binding contract, and that it was such as he had described. That contract was immediately acted on. Rio Tinto pagarés to the amount of between £2,000,000 and £3,000,000 sterling were at once sent to England; the contract bore the signature of the Spanish Finance Minister in office on the 4th of last April, and it received the formal adoption of the Council of State, and was signed by the Secretary of State on the 6th of the

same month. Attached to the contract was a condition that the deposit in the Bank of England of the pagarés of the Bienes Nacionales and of Rio Tinto should be simultaneous. The Rio Tinto pagarés were lodged and were kept waiting for the others. About the time that payment was made the late Spanish Minister of Finance went out of office, and the present Finance Minister succeeded him; and from that period difficulties in respect of the fulfilment of the contract had been experienced. About a fortnight ago a rumour obtained in London that the Spanish Government were about to withdraw from this country those securities which had been distinctly pledged to the bondholders. The rumour was not credited at first; but on its appearing to be confirmed, immediate action was taken; the Court of Chancery was appealed to, and an injunction was issued to restrain the parties accountable from sending those securities out of the country. But this was a case of shutting the stable door after the steed had been stolen—the securities were gone—and to this moment the bondholders were unable to obtain possession of what had been pledged to them. He would not characterize this transaction in words such as he would be warranted in applying towards it. He was not insensible to the distracted and miserable state of Spain—it was impossible not to see that the Spanish Government were in great difficulty. But in bringing this matter under the attention of their Lordships, and of his noble Friend the Secretary for Foreign Affairs, he was acting in the interests of Spain herself, as well as in that of her creditors; because it must be for her interest that she should discharge her obligations when she had the power to do so. If Spain became a party to such a transaction as he had described, it was quite clear that, should she again require assistance from foreign capitalists, she would find that the Bourses of Europe would be closed against her. It was the desire—and the natural desire—of the present Spanish Government to be recognized by the Powers of Europe; but the Spanish Government could hardly adopt a worse road towards obtaining that recognition than by pursuing a course which must diminish her credit in the money markets of the world. The noble Lord

concluded by putting to the Secretary of State for Foreign Affairs the Question of which he had given Notice—Whether he is aware that the Spanish Government having entered into a contract suggested by themselves with the holders of Spanish External Bonds in this and other countries of Europe for the payment of the overdue coupons of 1873, and having sent to England certain Pagarés or Bonds towards fulfilment of such contract, have caused those securities to be removed from London without the knowledge or consent of the Bondholders, and have since proposed to deal with them in another manner; and, whether the noble Earl will, under such circumstances, exert the influence of Her Majesty's Government to obtain the return of those securities and the fulfilment of the contract?

THE EARL OF DERBY: I have no official knowledge of the details of the transaction to which my noble Friend has referred, although, of course, like most people, I am aware that there are very considerable unpaid arrears of debt due to British subjects who are Spanish bondholders. With regard to this particular matter, I have heard the statement made by my noble Friend—namely, that the pagarés in question were sent over here, and have since been sent back to Spain—or at least sent out of this country—in consequence of certain proceedings either taken or threatened to be taken in the Court of Chancery on the part of the bondholders. That transaction—if the matter has so passed—I do not know from any official authority. I have seen it in print, but I do not know of it officially. If my noble Friend has described that transaction accurately it was undoubtedly one of an extraordinary nature. Still we have it only on the strength of an *ex parte* statement, and I do not know what defence the Spanish Government may set up; and that being the case my noble Friend will hardly expect from me any decided expression of opinion in regard to it at present. As to the second part of his Question, my noble Friend is aware that the action of the Government in this matter has been from the first—and indeed always—of an unofficial nature. Our object has been, by friendly representations, to induce the Spanish Government to make the best arrangements in their power for

the payment of the interest due to the whole body of the bondholders. Further than that we cannot go, and further than that, so far as I am aware, we have not been asked to go by any of the parties concerned. Whatever we can do, within the limits I have laid down, we will continue to do. Since my noble Friend gave Notice of his Questions I understand that a new Scheme has been put forward by the Spanish Government for an arrangement with the bondholders, with which, I presume, they or their representatives have been made acquainted; though as yet they may hardly have had time to form any judgment upon it. I can only say to my noble Friend, in reference to one part of his speech, that he has indicated what is the real check upon such acts as he has described—namely, that they are injurious to the credit of the country that commits them. Every foreign State is from time to time in the money market, and assuredly those Governments which are guilty of bad faith, or which, under whatever circumstances, find themselves unable to keep their engagements, will very soon discover that the failure to do their duty will bring its own punishment, for they will be excluded from the money markets, or only be admitted upon very unfavourable terms. [Earl GRANVILLE: "Hear, hear!"] To that more than to any direct action of one Government upon another we must look for the observance of good faith in these transactions.

House adjourned at a quarter past Six o'clock,  
to Thursday next, a quarter  
before Five o'clock.

## HOUSE OF COMMONS,

*Tuesday, 21st July, 1874.*

**MINUTES.**—PUBLIC BILLS.—*Report of Select Committee*—Homicide Law Amendment \* [No. 315].

*Committee*—Endowed Schools Acts Amendment [187]—R.P.

*Committee*—*Report*—Police Force Expenses \* [211].

*Report*—Homicide Law Amendment \* [44].

*Considered as amended*—Public Health (Ireland) \* [210].

*Third Reading*—Alderney Harbour \* [205]; Colonial Clergy \* [206]; Attorneys and Solicitors \* [75], and passed.

## PROBATE COURT—ESTATES OF POOR INTESTATES.—QUESTION.

MR. EARP asked Mr. Attorney General, Whether he is aware of the construction which Probate Court officials have put upon the Act of 36 and 37 Victoria, chapter 52, entitled "An Act for the Relief of Widows and Children of Intestates, where the Personal Estate is of small value," by which construction the widow and children only of an intestate, as literally expressed in the Act, are benefited thereby, and the children of a poor widow excluded from its operation, notwithstanding that section 4 of the 13 and 14 Victoria, chapter 21, entitled "An Act for shortening the language used in Acts of Parliament," enacts that in all Acts words importing the masculine gender shall be taken to include females; and, whether he is prepared to take such steps as will cause the Act first above referred to, to be made applicable to the estates of poor intestates of the female sex?

THE ATTORNEY GENERAL: Sir, from inquiries which I have made I have reason to believe that my hon. Friend is quite correct in the suggestion made by his Question as to the construction put by the Court of Probate upon the Statute 36 & 37 Vict., c. 52, and I regret that the effect of such construction, if generally adopted, will be to materially limit the beneficial operation of the Act. I am not at present aware of the precise circumstances of the case or cases in which such construction has been arrived at, but the matter shall receive my best consideration, with the view of securing the greatest amount of benefit to the poorer classes, for whose relief the Act was passed; and, if necessary, I will take steps to effect that object by legislation, though I fear that it will not be possible to do so during the present Session.

## POST OFFICE—TELEGRAPHIC COMMUNICATION WITH IRELAND.

### QUESTION.

SIR ARTHUR GUINNESS asked the Postmaster General, Whether he will take measures to provide for the members of the Stock Exchange at Dublin, facilities for direct telegraphic communication similar to those now enjoyed by the members of the Stock Exchanges of Edinburgh, Liverpool, Manchester, and Glasgow.

LORD JOHN MANNERS, in reply, said, the whole question of telegraphic communication between England and Ireland would be brought under the consideration of the Government during the Recess, and the subject referred to by the hon. Baronet would not be lost sight of.

#### PATENT LAWS—LEGISLATION.

##### QUESTION.

MR. CAWLEY asked the Secretary of State for the Home Department, Whether Her Majesty's Government are prepared to carry out such of the recommendations of the Committee on the Patent Laws contained in their Report of 1872, as can be adopted without further legislative powers; and, whether he will introduce in the next Session of Parliament a Bill for further amending the Patent Laws in accordance with the recommendations of the Committee?

MR. ASSHLETON CROSS, in reply, said, that in the opinion of Her Majesty's Government, it was better to deal with this matter, not piecemeal but altogether; and that it was their intention to consider it fully during the Recess, with a view to legislation next year.

#### CUSTOMS—MEMORIAL OF OUTDOOR OFFICERS.—QUESTION.

CAPTAIN NOLAN asked the Secretary to the Treasury, If a Memorial from the outdoor officers of Customs at Dublin, forwarded by them on the 8th May, has been received by the Lords of the Treasury: and, if their Lordships have taken into consideration the prayer of the memorialists?

MR. W. H. SMITH, in reply, said, that a Memorial had been received at the Treasury, and that no final decision had yet been come to in regard to it.

#### ENDOWED SCHOOLS ACTS AMENDMENT BILL—MANCHESTER GRAMMAR SCHOOL.—QUESTION.

MR. DILLWYN asked the Vice-President of the Committee of Council on Education, Whether he has intimated his willingness to introduce a Clause into the Endowed Schools Acts Amendment Bill which will exempt the Manchester Grammar School from the operation of those Clauses of the Bill which affect its character and manage-

ment, and the composition of its governing body?

VISCOUNT SANDON, in reply, said, he had given no intimation whatever upon the subject, and he was astonished to read in the organs of the Press some extraordinary statements that had been made as to his conduct in this matter at a meeting of Nonconformists. All that had passed was that an hon. Gentleman behind him asked him yesterday whether he would receive a deputation from the Trustees of the Manchester Grammar School in the afternoon. He was not, however, able to receive the deputation, being overwhelmed with work at this period of the Session; and he begged his hon. Friend to listen to what he had to say in the evening, which he thought would remove some of the objections which influenced the Trustees of the Manchester Grammar School. That was all he said; and if not so, he should be happy to consider the matter at some future time.

#### TRANSIT OF CATTLE—THE VIENNA CONFERENCE.—QUESTION.

MR. W. E. FORSTER asked the Vice President of the Council, Whether he can inform the House if the Government have any arrangement in progress which will enable Germany to be excepted from the list of scheduled countries for the import of cattle; and, whether there is any objection to the immediate admission of cattle from the Duchy of Oldenburg on the same conditions as cattle are now imported from Schleswig Holstein?

VISCOUNT SANDON: Sir, negotiations have been carried on since the Vienna Conference in 1872 between those European Governments who sent representatives to that Conference, with a view to relieve generally the restrictions upon the transit of cattle. Pending the result of these negotiations the Privy Council do not think it advisable further to relax the restrictions which obtain in this country in regard to the transit of foreign cattle in favour of any particular Country or State. The Government is not, therefore, at present prepared to except Germany from the list of scheduled countries, or to allow cattle brought during this summer from the Duchy of Oldenburg to be imported on the same terms as cattle from Schleswig Holstein.

**POST OFFICE—CONTRACT WITH THE PENINSULAR AND ORIENTAL STEAM NAVIGATION COMPANY.—QUESTION.**

**MR. D. JENKINS** asked the Postmaster General, Whether the statement in the daily press is correct as to a proposed alteration of the Contract now existing between Her Majesty's Government and the Peninsular and Oriental Steam Navigation Company, for the conveyance of the East Indian mails; and, if so, when the conditions of such alterations will be laid upon the Table of the House?

**LORD JOHN MANNERS** in reply, said, some alterations had been made in the Contract between Her Majesty's Government and the Peninsular and Oriental Company; but, so far as he knew, the statements which had appeared in the daily Press with regard to the nature of those alterations were altogether incorrect. The new contract, so far as the Government was concerned, was concluded, and had been laid on the Table of the House in the course of last week; and when it had been printed it would be submitted to the House in the usual manner by his hon. Friend the Secretary to the Treasury.

**ENDOWED SCHOOLS ACTS AMENDMENT BILL—COMMISSIONERS NAMES. QUESTION.**

**MR. MUNDELLA** asked the First Lord of the Treasury, If he is prepared to give the House the names of the three gentlemen he proposes to add to the Charity Commission to carry out the Endowed Schools Acts Amendment Act, and to fill up the vacancy in the Charity Commission?

**MR. DISRAELI**: Sir, I am not at present prepared to furnish those names, as the matter is one of great importance, and requires the utmost consideration. They should be names which command the confidence of all parties in the House, and therefore I cannot say that I am prepared to give them. I shall be happy to receive any suggestions from the hon. Member or any other hon. Gentleman.

**MR. W. E. FORSTER** said, that when the original Act of 1869 was passed the names of the Commissioners were asked for on that side of the House, and they were immediately given by the Government, and before the Bill left that House. Would the

right hon. Gentleman be willing to do so in the present case?

**MR. DISRAELI**: I think it might be desirable to do so.

**POST OFFICE—MR. HERRING.**

**QUESTION.**

In reply to **MR. W. M. TORRENS**, **LORD JOHN MANNERS** mentioned that arrangements were made some time ago for an interview with representatives of Mr. Herring in regard to his invention, but that the meeting never occurred. As it had been determined by the Post Office Department not to adopt the invention in the Public Service, there was no occasion now for an interview.

**THE FIJI ISLANDS.—OBSERVATIONS.**

**SIR CHARLES W. DILKE** said, he wished to put a Question to the Government with reference to the Motion of his hon. Friend the Member for Lambeth (**MR. W. M'ARTHUR**), on the subject of the Fiji Islands, and as what he had to say might lead to some discussion, he would put himself in Order by moving the adjournment of the House. A few days ago the House was occupied at a morning sitting with the Public Worship Regulation Bill, and when that sitting closed a considerable desire was shown by the House to proceed further with the Bill in the evening. On the House resuming, his hon. Friend was asked not to proceed with the Notice which stood first on the Paper in his name that evening, on the ground that a statement had been made in "another place" as to the intentions of the Government with regard to the Fiji Islands. The hon. Member for Lambeth gave a view of the statement of the Secretary for the Colonies, which was immediately repudiated by the right hon. Gentleman at the head of the Government. Several other hon. Members had come down to ask the Government whether some opportunity would be given during the Session for considering the statement made in "another place," and which, he believed, it was the intention of the Government, but for the Public Worship Bill, to have made in both Houses. Several hon. Members had privately asked the same question of the Secretary of State for War, who used some such phrase as that an opportunity would be given; and the hon. Member for Lambeth, on putting the

Question to him, received a reply to the same effect. Last night the hon. Member for Lambeth asked again when, in pursuance of that promise, an opportunity would be given, and was told by the Prime Minister, who had not been present on the former occasion, that the second reading of the Appropriation Bill would afford an opportunity for the discussion. It could hardly be contended, however, that the second reading of that Bill would afford the desired opportunity. The subject was not one of such trivial importance as it might seem. Hitherto there had been a considerable majority in that House against accepting the cession of the Fiji Islands; but it appeared, nevertheless, that Sir Hercules Robinson was to be sent out to accept the cession. It was clear that this cession would involve us in very considerable expense, and it was obviously a subject which ought to engage the attention of the House of Commons. He was not speaking against the annexation of the Fiji Islands; but he maintained that it was a subject deserving of the attention of the House, because the documents relating to it involved important statements with regard to the question of domestic slavery. The Commissioners who had been sent out stated that it would be impossible to put an end to slavery in Fiji, and that the first step towards subjugation would necessarily be the removal of 20,000 ferocious Natives—to what part of the Islands it was not said. In these circumstances, thinking this a subject deserving the attention of the House, he begged to move the adjournment of the House.

Mr. DILLWYN seconded the Motion.

Motion made, and Question proposed, "That this House do now adjourn."—  
(*Sir Charles W. Dilke.*)

Mr. GOSCHEN said, that, at the time, he thought the Prime Minister's answer was not satisfactory, and he subsequently asked the Secretary of State for War whether a day for the discussion of the question could not be given, and he was bound to say that he received a good-humoured answer—not given in a churlish tone, and referring him to some stage of the Appropriation Bill, but expressing the right hon. Gentleman's belief that a day for the discussion would be given. Before the Parliament met again the Government would have to adopt some decisive policy in the matter,

*Sir Charles W. Dilke*

and the House ought to have an opportunity of considering it. Questions were involved in it affecting not only Fiji, but our administration in other parts in distant seas. He trusted, therefore, that the Government would promise to give the House a fair and convenient opportunity of discussing the subject.

MR. GATHORNE HARDY said, the words he used on the occasion in question were that the Government would take care that the House should have an opportunity of discussing the question before Parliament separated.

MR. DISRAELI: Whatever may be the opinion of others as to the comparatively trifling importance of the question of the Fiji Islands, that is an opinion which I do not share. I think that the subject is one of great importance. With regard to the statement that there was a repudiation on my part of the policy of my noble Colleague in the other House, it has no foundation whatever. It so happened that, at a moment of some excitement the hon. Member for Lambeth (Mr. W. M'Arthur), who had been absent, entered the House. The Question then before it was whether the hon. Gentleman should give up that opportunity which he had of bringing forward the question of Fiji; and he said that, in consequence of the satisfactory announcement of the Secretary of State for the Colonies that Her Majesty's Government had accepted the cession of the Fiji Islands, he was quite content not to press his Motion. That statement created some surprise on this bench, and I naturally rose, and, in order that there might be no misunderstanding, said that this was a policy which had not been communicated to me by my noble Colleague. An offer had been made to Her Majesty's Government to accept the cession of the Fiji Islands on certain conditions—numerous and considerable conditions. Her Majesty's Government had come to the conclusion that they could not even entertain the consideration of the proposition for the cession of these Islands unless these conditions were withdrawn. They would only consider the question of an unconditional cession, and therefore I was perfectly justified in repudiating the statement of the hon. Member for Lambeth. I now come to the point on which the hon. Baronet (Sir Charles W. Dilke) has moved the adjournment of the House. It is most desirable that such a question



as the cession of these Islands should be discussed in the House, and I did not for a moment suppose that the House would adjourn without discussing it. But the exact time of this discussion must depend on all the circumstances of the case. My right hon. Friend near me (Mr. Gathorne Hardy) has used language which I would have used. I would have said, certainly, that in some way or other we would secure an opportunity of discussing this question; and when I intimated that the second reading of the Appropriation Bill would be an excellent occasion for discussing it, I did not intend, as the right hon. Member for the City seemed to suppose, to treat the hon. Member for Lambeth in a churlish spirit. It is a better opportunity than Her Majesty's Government, under present circumstances, could offer. What are the circumstances of the case? On Monday next, in all probability, the Committee of Supply will be closed, and next day the Appropriation Bill will be introduced; and I shall, of course, arrange that the second reading shall be taken at such a time and under such circumstances that an opportunity would be given to the hon. Member to introduce the subject. If he avails himself of that opportunity he will be in a better position than if he depends upon a vague statement that the Government will give him a day. If he asks my advice I can only recommend him to avail himself of that suggestion.

SIR CHARLES W. DILKE said, that the hon. Member for Lambeth was so well satisfied with the explanatory statement of the noble Lord the Colonial Secretary that he had placed a Motion on the Paper expressing his approval. After the statement of the right hon. Gentleman at the head of the Government as to the absolute necessity of having the question discussed before Parliament was prorogued, he would not further press the matter with regard to a particular day being fixed for the discussion, but would ask permission to withdraw his Motion for the adjournment of the House.

Motion, by leave, *withdrawn*.

#### PARLIAMENT—BUSINESS OF THE HOUSE.

MR. DISRAELI moved: "That tomorrow, and on every succeeding Wednesday of the Session, Government Orders of the Day have precedence."

Motion agreed to.

#### ENDOWED SCHOOLS ACTS AMENDMENT BILL. [BILL 187.]

(Viscount Sandon, Mr. Assheton Cross.)

COMMITTEE. ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Amendment proposed to Question [20th July], "That Mr. Speaker do now leave the Chair;" and which Amendment was,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, it is inexpedient to sanction a measure which will allow any one religious body to control schools that were thrown open to the whole nation by the policy of the last Parliament,"—(Mr. Fawcett.)  
—instead thereof.

Question again proposed, "That the words proposed to be left out stand part of the Question."

Debate resumed.

LORD EDMOND FITZMAURICE said, the Bill might be considered first from an administrative, and secondly from an educational and a religious point of view. In his judgment, the administrative aspect of the question was most important, and he wished to offer some remarks upon it. According to the provisions of this Bill, the powers at present possessed by the Endowed Schools Commissioners were to be transferred to the Charity Commissioners. One of the first considerations which must suggest itself to the minds of many hon. Members was, if the powers of the Endowed Schools Commissioners were to be taken from them at all, why should they not be transferred to the Education Office? For his own part, he was in favour of the policy recently urged on the House by his right hon. Friend the Member for Edinburgh and St. Andrew's Universities (Mr. Lyon Playfair), when he advocated the appointment of a Minister of Education. But it should be remembered that the Lord President of the Council stated in "another place" that he was the Minister of Education, and his noble Friend the Vice President dwelt in his speech the other day on the invaluable powers of revision now enjoyed by the Education Office with reference to schemes sent up to them by the Commissioners. It was true his noble Friend also said that if the whole business of the Endowed Schools Commissioners were entrusted to the Education Office, the Department would be

completely overwhelmed; but during the five years he had occupied a seat in the House the work of education had been tripled, if not quadrupled, by the Act of 1870; and yet this circumstance had never been urged as a reason for dividing the powers of the Education Board. There was, however, another reason why the powers of the Endowed Schools Commissioners might well be transferred to the Education Office. It arose out of the very circumstance which enabled, and to a certain extent justified, hon. Members opposite in introducing and supporting the present Bill. The Education Office was governed by two Ministers who formed part of the responsible Government of the country. Now, he could not imagine any measure more likely to give a certain steadiness and sobriety to the Educational Government of the country than that the whole system of education, although not solely dependent *arbitrio popularis auræ*, should be worked according to the varying circumstances of the time and the changes of public opinion. Speaking on this part of the question, the Chancellor of the Exchequer had quoted the opinion of the Charity Commissioners in favour of the projected change; but assuredly it was a most extraordinary proceeding to produce their letter at the close of last night's debate, although it had not been mentioned at all on the second reading. There appeared to have been a sort of agreement—for he would not use the word conspiracy—between the Charity Commissioners and the Government to say that the Endowed Schools Commissioners were a nuisance, and the sooner they were got rid of the better. And what security had the House that at the present moment a correspondence was not being carried on between the Government and the Enclosure Commissioners as to whether the latter would not much like the Ecclesiastical Commissioners to be abolished? Of course, no set of Commissioners would object to see their own powers increased, and their importance augmented. No wonder, then, that the Charity Commissioners rose to the bait dangled before their noses by the right hon. Gentleman, and that they said—"By all means make the Endowed Schools Commission a subordinate part of the Charity Commission." He would now pass from this administrative aspect of the question to that

which had caused far more interest in the country, and led to these prolonged debates. He could not help hoping after the debate which occurred on the Motion of the hon. Member for Birmingham (Mr. Dixon) that the House would have arrived at a determination to prevent the religious difficulty from interfering with the educational progress of the country. As hon. Members on that side of the House had made a sacrifice, he thought they had a right to expect that some slight sacrifice would be made by hon. Gentlemen opposite. Last night the hon. Member for North Warwickshire (Mr. Newdegate), acting the part he had so often played of chief mourner for the Church of England, mourned over the nation and the Church, and over himself, and lastly, he mourned over the Whigs, who, according to his view, were falling away from their principles. Now, having himself some connection with the Whigs, he felt sure he might say they would be very sorry to hurt the feelings of the hon. Gentleman: but he was much mistaken if the whole justification of the history of the Whigs was not the annoyance they habitually caused to persons like the hon. Gentleman. As for the hon. Member for Marylebone (Mr. Forsyth), he trusted his lecture on the evidences of the intentions of the pious founders would not have an effect similar to the lecture which the hon. Member recently delivered at the Victoria Institute on "The Evidences of Christianity;" for a few days after that lecture was delivered, a clergyman wrote to one of the newspapers to express his regret at the rise and spread of infidel opinions in Marylebone and the neighbourhood. With respect to the Vice President of the Council, he must remark that he never believed his noble Friend intended to say anything offensive to the Endowed Schools Commissioners. It should never be forgotten that when the noble Lord was a member of the London School Board, he was one of the most conciliatory as well as able of its members, and it was through his action as much as that of any other member of the Board that all those questions which might have permanently affected its harmony had been happily settled. He could not, therefore, regard this Bill as the Bill of his noble Friend so much as the Bill of the noble Duke the President of the Council, who the other day,

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almost ostentatiously, told the House that he was the Minister of Education. He did not, indeed, suppose for a moment that his noble Friend would place his name on the back of a Bill to the principles of which he objected; but still he probably would not shed any bitter tears if in a day or two the Prime Minister were to get up and say that for various reasons of State he was going to withdraw the Bill. He now came to the Amendment to Clause 4, which had been placed on the Paper by his noble Friend. It was as follows—

“But nothing in this or in the principal Act contained shall require the Commissioners to provide that the governing body in any scheme (other than a scheme relating to a cathedral or a collegiate church school) shall be members of any particular church, sect, or denomination, and they may provide to the contrary unless there be in the original instrument of foundation any provision directing that the governing body, or any number of the members thereof, shall be members of a particular church, sect, or denomination.”

Now, he would consider this new proposal by reference to the existing Acts. The Act of 1869 said that as a rule, religious tests should not apply to endowed schools. It then proceeded to make certain classes of exceptions, in which accordingly tests might apply. The Act of 1873 extended the class of exceptions, and the dates within which the excepted cases might arise. The present Bill proposed to extend the class of exceptions still further, and the dates; but the exceptions were in every case permissive exceptions—that was to say, the Commissioners were permitted, not compelled, to apply a religious test. That being so, the effect of the Amendment of his noble Friend would clearly be to make the extension not less but more rigid, for on the principle *Expressio unius exclusio alterius*, it was clear that where in the original instrument of foundation, any provision directing that the Governing Body or any number of the members thereof should be members of a particular Church, sect, or denomination, there the Commissioners would be compelled, not permitted—as they were at present—to apply a test. Again, there was an important point to be observed with reference to the Conscience Clause in the Bill, as compared with the Conscience Clause of the Act of 1870. It was, in his opinion, more than doubtful if they covered the same ground, and equally protected the right of children to

compete for emoluments, as well as protect them against religious proselytism. It was said that, in the opinion of the Law Officers of the Crown, the clause was sufficient. He refused to be dependent on the Law Officers, more especially after the extraordinary position assumed the other day by the Solicitor General, who used arguments which could not be called historical, but rather pre-historical and antediluvian; while as regarded his knowledge of the facts of the case, he had shown either that he was unaware of the date of the Toleration Act, or of there having been Nonconformists before that Act. For what did he say? It was this—

“Why should it be assumed that the man who before the Toleration Act made a foundation in favour of the Established Church, would, if he had lived 50 or 100 years later, have been a Dissenter? What was known was that he said he devoted his bounty to members of the Established Church, and it was embarking on a most dangerous field of speculation to assume that he would have done differently if he had known that in later days there would be Nonconformity and Nonconformists.”—[3 *Hansard*, cxxx. 1676.]

Now, it was clear from these remarks that the hon. and learned Gentleman was not aware that during the 100 years which preceded the Toleration Act—the date of which was 1689—there were Nonconformists in the land. He had himself always supposed that there was a famous chapter in Hallam called “Of the Laws of Elizabeth relating to Protestant Nonconformists.” The historical aspects of this question were indeed of the utmost importance, as observed in the debate on the second reading by his right hon. Friend the late Prime Minister, and with the permission of the House he would say a few words on that subject. He first wanted to know how the Prime Minister was going to meet the case of the pre-Reformation Catholic endowments, which was raised the other day by the hon. Member for Louth (Mr. Sullivan). The Solicitor General said that all the House had to do was to find out the “real intention of the founder.” Now, if the real intention of the pre-Reformation founder was looked into, could there be any doubt that he had in his mind a ritual and form of worship in which the Virgin and the Saints, and prayers for the dead, would all have a place; and that being the case, it was the duty of the Government under this Bill, if true to its own principles, to

hand back these old endowments to the representatives of the faith of the Catholic founders. The Prime Minister said in the debate on the second reading, that this question had better be raised in Committee. In Committee he would probably say it had better be raised on the Report, and on the Report he would suggest its being discussed on the third reading, and on the third reading he would use his majority. Now, leaving the case of the Roman Catholic foundations, he was prepared to show that previous to the Act of Uniformity of 1660, it was quite impossible to argue from any allusion in a trust deed or will to the "Established Church," that religious principles were necessarily alluded to, such as justified the endowments which came within the scope of the exceptions of this Bill, being claimed as endowments of the Church of England such as they knew it. In the sixteenth century the Church of England was divided into two great sections—the Episcopal and the Puritan, and each claimed to be the true Church, remaining within its fold, and hoping, in course of time, to appropriate that fold to its own exclusive possession. The Bishops themselves were not at one on many important points, and also on many unimportant points, to which they had learnt to attach great weight in the heated polemical atmosphere of Germany, where they had taken refuge during the Marian persecutions. The principles of Parker were not those of Whitgift, nor of Grindal. On the question of the use of the surplice, Parker and Cox were on one side, and Jewell, Sandys, Grindal, and Nowell on the other. There was a similar variety of opinion on those strange spiritual exercises called "prophesyings," which were much in vogue with the Puritans. These instances might be increased to any number, and it was thus that Hallam summed up the controversy—

"The Puritan ministers, throughout the reign of Elizabeth, disclaimed the imputation of schism, and acknowledged the lawfulness of continuing in the Established Church, while they demanded a further reformation of her discipline. The Puritans did not object to the office of Bishop provided he was only the head of the Presbyters and acted in conjunction with them."

And it was endowments given in this period that were claimed for the exclusive use of the Anglican Church if the words *cum avisamento episcopi* were

found in the trust deed. Now, as to the reign of James I. The Hampton Court Conference was held in 1604, and the hopes of the Puritan party received a great blow. What happened? Writing of this time, Hallam said—

"Archbishop Bancroft deprived a considerable number of Puritan clergymen, while many more finding that the interference of the Commons in their behalf was not regarded, and that all schemes of evasion were come to an end were content to submit to the obnoxious discipline. But their affections being very little conciliated by this coercion there remained a large party within the bosom of the Established Church prone to watch for and magnify the errors of their spiritual rulers. They naturally fell in with the patriotic party in the House of Commons."

In other words, the Puritan party largely remained in the Church, looking forward to the day when it would be strong enough to make the Established Church, Puritan in its character. This happened to a great extent under the Commonwealth, when a strange state of ecclesiastical affairs was in existence in this country. The triumph of Presbyterianism became complete in point of law by an ordinance of February, 1646, establishing the Scots model of classes, synods, and general assemblies throughout England. But owing to the Independents getting the upper hand soon after, and other causes of disagreement, the Presbyterian discipline was never carried into effect, except to a certain extent in London and Lancashire. But the beneficed clergy throughout England till the return of Charles II. were chiefly of that denomination. Both Baptists and Independents were in the practice of accepting the livings, that was the temporalities of the Church. And it was the endowments of that period, too, which were claimed for the Established Church of the present day. With the return of Charles II. came the Act of Uniformity, and previous to that Act, Lord Macaulay, summing up all this controversy in a single sentence, said, that—

"Episcopal ordination previous to the Act was never an indispensable qualification for Church preferment."

Now, the condition of ecclesiastical affairs under Charles II. was this, that with certain intervals there was a bitter persecution of Nonconformity and Catholicism. It was the reign of Popish Plots, and Five Mile Acts, and Conventicle Acts, the reign in which the dissolute plays of the most corrupt of dramatists

were acted in London, while Bunyan was rotting in Bedford gaol. It was the recollections of this time that the Government Bill evoked, and, indeed, the present position did to a certain extent recall that famous passage in *The Pilgrims Progress*, in which as he was going up the Valley, Christian observed at the mouth of a cave two old giants from whom he expected much harm; but the writer went on to say that their nails were so worn and their teeth so blunted with age that they had to content themselves with shaking their fists and cursing him, while he went on his way rejoicing. But, should the day ever come when the nails and the teeth of those giants should sprout again, then they might do much harm. And this was what had happened. The old giants of exclusion and bigotry had been galvanized into life by Her Majesty's Government, and were preparing an onslaught to recover their old possessions and rob the wayfarer. Under Charles II. such was the state of affairs that it was reasonable to suppose a testator would protect an educational endowment against the hostility of rapacious heirs-at-law or next of kin by sheltering it under the protection of some expressions giving it a connection with the Church, and the vagueness of those words was an argument not that the testator desired a close connection, but as loose a connection with the Church as the circumstances of the time permitted. Where express terms were really used, the old Acts gave abundant protection. It was to this state of things that a period was put by the Toleration Act, a wise and beneficent Act, and as liberal as the spirit of the age allowed. The Toleration Act was to be judged accordingly, and not to be criticized, as some had done, from a 19th century point of view. It was, as had been observed by an eminent American writer—

"narrow, indeed, in theory, and penuriously conceded a limited enfranchisement of mind as a privilege."

But this was more than had been done by any of the other great Powers, and therefore as the same author had observed—

"because it opened a career for religious freedom, it forms an era in the history of the liberty of England and of mankind."

Therefore, it was rightly chosen by the framers of the Act of 1873 as marking the period of the religious enfranchise-

ment of the nation. It was a compromise it was true, and the same character could be claimed for the Act of 1869. Many hon. Members on this side of the House were much dissatisfied with the exceptions then made, and in 1871 his hon. Friend the Member for Maidstone (Sir John Lubbock) introduced a Bill to abolish them, but he was resisted, and successfully resisted, by the then Vice President (Mr. W. E. Forster) who stood loyally by his own work, which was then accepted by hon. Members opposite, but now thrown over. There were other points on which much might be said—as, for example, the want of adequate protection to existing schemes on which no satisfactory explanation had been given; but what he wanted especially to insist on was the unwise course entered on by the Government in abruptly reversing the policy of their predecessors. His right hon. Friend the Secretary of State for War had sought to justify it by alleging the precedents of 1558 and 1689, but this was not to the point, for the precedents of party government had in the first place grown up since the time of Sir Robert Walpole, and not before, while putting aside this demurrer to the argument of his right hon. Friend, he felt sure that no one was better aware than he was that to seek for precedents in such excited times as 1558 and 1689 was, to say the least, dangerous. Again, the exception proved the rule. No one could expect the definitions of politics to be of the exact character of those of mathematics or the physical sciences, and even if his right hon. Friend could produce more modern instances than those he had adduced, he would not discredit the position taken by the late Prime Minister on this part of the question. What, however, he especially wanted to know was, in what manner this Bill was a proof of that national and comprehensive policy which the Prime Minister had the other day told the astonished Merchant Taylors was again to be the policy of the Conservative party, as it had been in the early days of Pitt. Now, it would be a perfectly easy thing to show, were this the time or the place, that when Mr. Pitt in his early days pursued a national and comprehensive policy, he was not only a Member of the Whig party, but of the more liberal section of that party. But let them call Mr. Pitt by what name they liked, and assuming his policy to have been

what the right hon. Gentleman described it to have been, in what way could this Bill be called "national" which branded a large section of Her Majesty's subjects with a mark, or "comprehensive" which said they were not fit for a large number of important offices? This Bill was national only in the extent of its injustice, and comprehensive only in the area of its exclusiveness. It was introduced by the traditional enemies of civil and religious liberty, and would be opposed by those who were its traditional defenders; but those on this side of the House must recollect that in proportion as they defended the same principles which had animated the framers of the Toleration Act and the great measures of which it was the forerunner, so also they must emulate the determination, the tenacity of purpose, and fixedness of design which had enabled them, and would enable the Liberal party at this day to triumph over every obstacle till the day came when the Prime Minister would come down to the House, and with sorrow on his face, but, perhaps, with joy in his heart, would say, "I have abandoned the Bill."

SIR JOHN KENNAWAY denied in the most emphatic manner that the Bill had been introduced as a taunt to the Nonconformists, or with any desire to deprive them of their legitimate influence. There was an attempt to treat this Bill as re-actionary, and to prevent it getting into Committee. That, he thought, was a mistake. The Bill was not re-actionary, and if there were things in it which did not please the Opposition, they might easily be remedied in Committee. Speaking generally, the Bill was a very simple one. It was merely intended to put a better definition upon the terms of the 19th clause of the Endowed Schools Act of 1869. Two Members of the Select Committee of last year had stated that the construction put upon that clause was an unnatural one; that it did not carry out the legitimate intentions of the founders; and that therefore it was not one that should be perpetuated by the Endowed Schools Act. Now, that was precisely what was to be done by this Bill, and very little more. The hon. Member for Hackney (Mr. Fawcett) had maintained that the Bill would have the effect of excluding the children of Nonconformists from the benefit of the scholarships connected with many of the endowed schools. How could it be

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supposed that such a thing was intended, in the face of the fact that in all the public schools the scholarships were open to everyone, irrespective of religious creed. Why, the Conscience Clause was to be applied to those schools, and the Conscience Clause carried with it the right to compete for the scholarships. What more could be asked for than that? If it were thought that the Amendment proposed by the noble Lord was not sufficiently satisfactory, it could be amended in Committee so as to meet the wishes of its opponents. As to the appointment of Nonconformists in certain cases to be members of the Governing Bodies, he thought the provision which his noble Friend (Viscount Sandon) proposed to add to the Bill was sufficient to meet all reasonable demands. Again, there was nothing in the Bill requiring that the masters of the excepted schools should be in Holy Orders, and that the under-masters should be members of the Church of England. Knowing, as he did, what a scarcity there was of candidates for Holy Orders, and how difficult it was to get sufficient men to undertake the pastoral work of the country, he thought it would be exceedingly unwise to insist that all the Head Masters in these schools should be men in Holy Orders. He urged the House to go into Committee as early as possible in order to consider these points and find out whether there was really a grievance. It was very convenient for hon. Gentlemen opposite to declare that the Bill offered an insult to the Dissenters, if, by raising that cry, they might succeed in re-uniting their party; but he denied altogether that there was any foundation for the charge. He hoped hon. Members opposite, remembering the time of the year, and the fact that a good deal of business had yet to be done, would offer no further opposition to going into Committee on the present Bill. With regard to an Amendment of the hon. Member for Reading (Mr. Shaw Lefevre), to the effect that schools in regard to which schemes had already been passed should not be interfered with, he would be very glad, for his part, if it were accepted.

MR. DODSON said, he had listened with great satisfaction to the conciliatory speech of the hon. Gentleman who had just sat down, who had expressed himself anxious to go forward, and who had by anticipation discussed the clauses

as if in Committee. The only Amendment to which he should make reference on the present occasion was the important Amendment of which Notice had been given by the noble Lord in charge of the Bill. The hon. Gentleman (Sir John Kennaway) had taunted the Opposition with speaking of the Bill as an insult to the Dissenters, and using it as a political cry for rallying the Liberal party. He had no doubt that before this discussion closed, they would have more than one hon. Member qualified to speak for the Nonconformist Body rising to give their views of the Bill, and to express the views of their co-religionists on the subject. He begged to inform the hon. Gentleman that had he attended a meeting of Dissenters at which he was present, and heard the expressions which were used with reference to this Bill, he would have been at no loss to account for the fact that the Dissenters regarded it as an offence.

SIR JOHN KENNAWAY said, those who supported the Bill were charged with the intention—and he repudiated the intention—to give offence.

MR. DODSON said, he did not charge the hon. Gentleman or the Government with any intention; he simply stated the fact that such was the view taken by the Dissenting Body. The hon. Gentleman who last addressed the House spoke of the unnecessary delay in going into Committee on this Bill; but if any justification were required for those who last night urged the adjournment of the debate, it would be found in the terms of the Amendment of the noble Lord, which they saw to-day for the first time. The real fact was that the regulations of the Acts as regarded endowed schools were so very technical as not to be readily understood by those who had not had very considerable experience in the study of them. These regulations were further complicated by additional exceptions introduced by this Bill; and, he ventured to add, the complications were infinitely complicated by the terms of the noble Lord's Amendment. If anyone not very well versed in the regulations respecting endowed schools attempted to make out what would be the combined effect of the two Acts and of the Bill with the Amendment of the noble Lord, he would find it an extremely difficult puzzle. The Acts prescribed that the Commissioners should provide

that the Governor might be a Dissenter, or the master a layman, except in three cases—first, a cathedral or collegiate school; secondly, a school which the will of the founder by express terms made denominational; and, thirdly, under the Act of 1873, and subject to the limitation that it was a foundation established since the Toleration Act, a school in which it was provided that the Governors, or the scholars, or the masters, or the majority thereof, should belong to a certain denomination. The Bill added two more exceptions; one, where the instrument of foundation enjoined the attendance of the scholars at the worship of any particular church or sect, and another, where the instrument of foundation required the regulations of the school to be made or approved by the officers of any particular Church. These were also to be held to be denominational schools. But the Bill not only laid down new regulations, but also repealed the limit of the Toleration Act. This was a very important matter. Roverting, however, to the Amendment, he found that its effect was that in the case of cathedral or collegiate schools the Commissioners would be obliged to provide that the Governor should belong to a specified denomination, and in three of the other exceptional cases they might provide that the Governors need not belong to a specified denomination. The remaining exception—that which was created by the express terms of the founder's will—was left untouched—that was, the Commissioners had no power to make provision as to the above point without the consent of the Governing Body. In short, while the Acts prescribed that in all but three cases the Commissioners must provide for liberty, the Bill would enact that in one case they must provide for restriction, and in three other cases they might do so. In regard to three of the exceptions, the Commissioners, under the Amendment, might provide liberty or not, as they pleased. He had construed the Amendment according to the sense the noble Lord no doubt intended; but he must point out that the words would admit of a different rendering, and might be taken to mean that in certain cases the Commissioners were empowered to provide, not that the Governors need not belong to a particular church, but that they must not be members of any

sect or denomination whatever. That would be a restriction which members of the Church would dislike to see adopted. In the city which he had the honour to represent there was a cathedral school, for which some time ago a scheme was arranged, with the entire approval of the Dean and Chapter, providing for its amalgamation with some other charities, and he was informed, if the noble Lord's Amendment had then been the law of the land, that arrangement, by which Dissenters were placed on the Governing Body, could not have been carried out, even with the consent of the Dean and Chapter and the Governing Body of the school. It was therefore very undesirable to introduce too strict regulations in regard to that point. The noble Lord, in introducing the Bill, used words to this effect—that wherever the denominational character of the school could be ascertained in any way, they ought to follow out the intention of the founder. That was a very great change indeed, and one which the House should seriously consider before they sanctioned it. Then, as the vast majority of the schools of this country were founded and established between 1500 and 1675, the exceptions proposed by the noble Lord, coupled with the repeal of the limit as to the Toleration Act of 1688, would have the effect of entitling the Established Church to claim nearly all the endowed schools in the country. No explanation had been given by the noble Lord or by the Prime Minister as to what was proposed to be done with the pre-Reformation Roman Catholic schools—as to the principle to be applied to them in consequence either of the founder's will or inferences to be drawn from the founder's will. In dealing with the educational institutions of the country three principles might be applied. One of those principles was that you might adhere to the founder's will wherever his intention was expressed or could be inferred, irrespective of any limit as to time. Another principle was that the establishment was the heir of all institutions in the country within a certain time. The third principle was that educational institutions should become simply national institutions. The Acts of 1869 and 1873 effected a compromise, because they said that schools with regard to the management of which the founder had expressed his will should be

regarded as denominational schools. But this Bill tore up that compromise and reopened the whole question. This entitled them to consider the question on open principles and upon broad grounds. If a founder gave his money to found a church or a purely religious institution, it might require a very great change of circumstances or a great lapse of time before they could divert the institutions which he founded from the religion to which he gave his money. What was to be done under circumstances which brought about a collision between the religious character and the purely educational objects of an institution? There was this difficulty with regard to many educational institutions founded in times when the whole nation, in fact or in theory, belonged to one Church—that they must now forego either their denominational character or their educational utility, because a large portion of the people could not accept their theological teaching. When that difficulty arose it appeared to him that the educational object of the school should preponderate, as in the Court of Chancery the doctrine of *cy près* was acted upon—that was to say, if it was impossible to carry out strictly the object aimed at by the founder of a charity, then the charity was applied to a charity as near as possible the same as that to which he had directed his bounty to be applied. The House had been told by the noble Lord and by other hon. Members who had spoken on the Ministerial side of the House, that a Conscience Clause had been introduced, and that under it all could come in and avail themselves of these educational institutions; but they would come in under a system of toleration, not upon a system of equality with the other students. They could not derive the full advantage of the institutions, because they could not profit by the religious instruction which might be given. He also believed they would not be able to share in the prizes, emoluments, and scholarships belonging to the different schools. The hon. Gentleman who had just spoken had said that people who came in under the Conscience Clause would be able to do so; but he (Mr. Dodson) should like to hear whether the Law Officers, on that subject, agreed in that interpretation. The point was altogether new to him and he thought, to the vast majority of the House. The

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Home Secretary said this Bill introduced no new principle; but the noble Lord who introduced the Bill said that it would introduce a new principle—namely that the will of the founder should be followed. But whether the Bill introduced a new principle or not, it contained new regulations and new exceptions, and transferred the management of endowed schools to a new body of men on the express ground that the Commissioners had hitherto acted on too broad a principle and in too broad a manner. He objected to this Bill not only on its merits, but because of the precedent which it would introduce, which precedent, as he had before stated, was in favour of retrogression. When the Conservative Government came into office the head of the Government was hailed as a Jupiter Stator, whose function it simply would be to arrest progress. They had heard, however, a great deal for some time past of a Conservative reaction. He supposed the present Bill had been introduced in order to show that the Conservative re-action really did re-act, and that this measure was the first sample thereof. He regretted the introduction of the Bill both on its own merits and because it was a specimen of the re-actionary disposition of the Government. It was a Bill which could add nothing to the power, dignity, or security of the Church of England, of which he was a member; and notwithstanding the disclaimer of the hon. Gentleman who had just sat down, he was of opinion that if, instead of being a Churchman, he were a Dissenter, he would regard the measure as one calculated to inflict injury upon, and offensive to, the class to which he belonged.

Mr. HUBBARD (*London*) said, he had not been able by an examination of the present Bill—and of those to which it was a successor—to find anything in the measure which would justify the vehement indignation expressed by the hon. Member for Hackney (Mr. Fawcett) in the speech with which he opened the present debate. He (Mr. Hubbard) asked the House to consider some points of general policy which ought to guide them in dealing with a question of this character, in order that they might mitigate that severity of criticism which one person was apt to pass upon the opinion of another who differed from

him. When they had before them a question into which religion more or less entered, they must acknowledge frankly and unreservedly the principle of civil and religious liberty. If that were done, much of the hostility manifested towards this measure must vanish. In this country education was considered essentially a religious work, and no system from which religion was excluded could be considered worthy of the name of education. In this stage of elementary education the combination of religious and secular instruction must be maintained in its integrity and fulness. It would be unjust to the children of the poor who received that education to separate the one from the other. On the other hand, he admitted that in the Universities and Colleges the combination was not so essential. Religious instruction should, however, be given in elementary schools in such a manner as would afford education to the largest possible number. So far as religion was an element in education, that religion should be a reality. The unsectarian education of which they had heard so much was a myth; it never did and never could exist. The real unsectarian education was that of the Church of England. Why should religious teaching, when attached to an educational system, be thwarted by throwing into the Governing Bodies those who, being of a different religious persuasion, could have, so far as religious teaching was concerned, no other function than an obstructive one. He thought they had arrived at the conclusion that, so far as it was possible, religious instruction in this country should be considered a reality when it was connected with an educational system. A question had been raised as to the importance of following strictly the intentions of "pious founders" in regard to endowments; but it must not be lost sight of that the national will, as declared at the Reformation, precluded an unqualified compliance with some of the intentions of some founders. A church had recently been taken down in the City of London, the "pious founder" of which left a considerable sum of money for the purpose of providing materials wherewith to burn heretics; but he did not suppose anyone would seriously contend that the will of the founder ought to or could in these days

receive the sanction of the law. A period had now arrived in which the principle of religious liberty had obtained its utmost extension, and founders could appropriate their means as they pleased with reference to educational or other establishments without danger of their intentions being interfered with by law. With respect to the measure before the House, he denied that in dealing with the question any reproach had been thrown upon those able men who were Commissioners under the School Endowments Act. It was clear that with the term of the Act their office expired, and when the office expired it became a matter for consideration—not having regard to the Commissioners, but in respect of the interests of education—whether the system which they had administered should be revived. The Government were of opinion that it should not, and the letter they had produced had, he thought, proved the fact that the simplest and most judicious mode of proceeding in the interests of Education was not to re-constitute the Commission, but to hand over the duties to be hereafter performed, to the Charity Commissioners. Those who knew the eminent person who was Chairman of the Endowed Schools Commission—Lord Lyttelton—were aware that the last thing he would have done would be to detract from the efficiency and liberality of religious teaching. There never was any person who had more distinctly declared his adhesion to religious education than Lord Lyttelton had done. As regarded the Commissioners, therefore, no reproach could be inferred from the passing of the Bill. He had only, in conclusion, to ask the House not to adopt the highly-coloured views of the question which had been presented to them. It was said that the people were the arbiters of their own destinies. Well, that being so, it was open to any hon. Gentleman from the other side of the Channel to throw down a challenge at any time in reference to the restoration of the Roman Catholic faith, and to try the issue he would thus raise. It was open, too, to the Nonconformists to raise and try a similar issue from their point of view. For his part, he had no doubt, as the experience of ages was sufficient to show, that there never was any institution which upheld so well the profession of religious truth,

*Mr. Hubbard*

and at the same time so amply recognized the principles of religious liberty and toleration to those who differed from her, as did the Church of England.

MR. WARD said, he felt it imperative on him to state the reasons which would guide him in giving his vote on this Bill. The real issue to be decided was not the mere transfer of certain powers from one set of Commissioners to another. The true issue lay between two great schools or classes—those who represented Denominationalism and those who represented Sectarianism. A side issue had been raised—and very properly raised—by the hon. Member for Louth (Mr. Sullivan), who asked Her Majesty's Government whether it was intended that the principle of the Bill should be so extended as that the wills of Roman Catholic founders would be respected. The right hon. Gentleman at the head of the Government, however, evaded the point of the question with a dexterity for which he was not unknown. On the subject of the wills of Roman Catholic founders he regretted to have heard the expressions which fell from the noble Lord the Member for Calne on the subject of the Roman Catholic Church teaching the worship of the Virgin and the Saints. The noble Lord should have paused, before he threw that insult in the face of the Catholics of Ireland.

LORD EDMOND FITZMAURICE observed that he had not used the words in question. He had simply quoted what the hon. Member for Louth had said as to certain pre-Reformation Endowments, and pointed out what the effect of the Bill would be in respect of them.

MR. WARD said, his memory differed from that of the noble Lord. He accepted his explanation, but had no hesitation in saying that, to his mind, the words were used by him.

MR. SPEAKER reminded the hon. Gentleman that he had accepted the noble Lord's explanation, and could not, therefore, repeat the assertion.

MR. WARD said, that on the question as to the wills of Roman Catholic founders, very little was to be expected from either side of the House. It had been asked—What would a Roman Catholic founder, if he could now be questioned, say to the proposal of the Go-

vernment? He believed the reply would be—"Give back the institutions to the Roman Catholics." He was quite convinced he would never say—"Give them into the hands of those who are of various religions and of no religion, and who are determined to keep all religious teaching out of the schools." The underlying principle of this Bill was Denominationalism as against Secularism, and he was on the side of the Government in this matter. He could not understand how the supporters of Denominationalism could support the Amendment of the hon. Member for Hackney (Mr. Fawcett), and then ask the Government the next day to establish Denominationalism in Ireland. The Catholics of Ireland had come there to advocate the connection between education and religious training, and they would stultify themselves if they voted for the Amendment.

Mr. RICHARD: Sir, the hon. Gentleman opposite (Mr. Hubbard), who has just spoken, cannot expect me to accept his very singular definition of unsectarian religious education as consisting of education according to the principles and doctrines of the Church of England. Many of us inside of this House, and many more outside, would, on the contrary, regard that as being as intensely sectarian an education as could well be conceived. The hon. Baronet the Member for East Devon (Sir John Kennaway), has repudiated for himself, and for the noble Lord the Vice President of the Council, any intention by this Bill to attach a stigma to the great body of Nonconformists. I will say nothing about intention, because it is not for me to attempt to fathom men's motives; but whatever may have been the intention, such is unquestionably the effect, and the Nonconformists throughout the whole country do look upon it as a stigma and an insult. I should have been content to have left the case against this Bill where it has been placed by the powerful speeches delivered on this and the former night's debate, especially those of the right hon. Gentleman the Member for Bradford (Mr. W. E. Forster), the right hon. Gentleman the Member for Greenwich (Mr. Gladstone), and my hon. Friend the Member for Hackney (Mr. Fawcett.) But I am anxious to make a few remarks, because I happen to belong not

only to the Nonconformist Body, but I suppose to that section of that Body out of which the noble Lord has constructed a sort of scare-crow which has "frighted him from his propriety." It was impossible not to be struck with the fact, that the noble Lord identified himself and his Government with the Church of England exclusively, and placed them in direct antagonism to the Nonconformists, and thus virtually proclaimed that they are the Ministers not of the people of England, but of that portion of them only who belong to the Established Church. I listened with inexpressible surprise and pain to the speech with which the noble Lord introduced this measure. But after what the noble Lord said yesterday, I will not dwell upon that point beyond saying this—that his speech was so unlike all the conceptions I had formed of his character, so unlike what I believed and still believe to be his kind, generous, and conciliatory disposition, that I must regard it as a melancholy illustration of how the evil spirit of ecclesiasticism has power to deteriorate and sour the sweetest natures over which it gains dominion. I will not attempt to discuss the supplementary clause which the noble Lord has placed on the Table of the House, and which he described as containing important concessions. I have given to it, during the short time it has been in my hands, the close and careful study which anything coming from him on this subject deserves. But I am obliged to say that it has left me in the condition in which he represented the Conservative body as having been left after the defeat of 1868—"dazed" and "stunned." And when we find the right hon. Gentleman the Member for Chester (Mr. Dodson), who spoke a short time ago, and who has had such experience as few have had in handling and deciphering Bills before this House, declaring that the complications previously existing in this Bill were rendered infinitely more complicated by the terms of the noble Lord's Amendment, we may safely assume that it is hopelessly cloudy and ambiguous. I cannot say that I feel any great interest in the change which this Bill proposes to introduce into the administrative machinery of the Endowed Schools Act. Nonconformists have no particular reason to admire or defend the Commissioners. They are

all members of the Church of England, as is almost invariably the case with men placed in any high administrative offices in this country. Some of us, when the Commission was first formed, and afterwards when some change took place in its composition, knowing that it was dealing with matters in which the interests of Nonconformists were deeply concerned, ventured to put in a plea that at least one of the Commissioners should be a Nonconformist. But, of course, a deaf ear was turned to our representations. Certainly, in our opinion, the Commissioners showed no indisposition, but very much the reverse, to favour to the utmost the Church of England. This was manifest enough from the appointments they made under their various schemes. In 36 out of 40 schemes down to the end of 1871, clergymen were made *ex officio* governors, though, as it was afterwards discovered, their appointment was contrary to the spirit and letter of the Act. Further, in 85 schemes out of 433 co-optative governors, 392 were Churchmen and only 41 were Dissenters. Surely, therefore, the Commission cannot be said to have erred on the side of disregard for the interests of the Church of England. But with all this, I must say that the reason now assigned for their summary dismissal appears to me a very shabby one. They are to be dismissed because they are unpopular with the trustees of endowed schools. No inquiry is made whether this unpopularity was merited or well-founded, or whether it necessarily arose from the difficult and invidious duties they were called to discharge. Men who have to deal with great abuses are likely to be unpopular with those who have a vested interest in perpetuating such abuses. Indeed, so far as I have observed, no charge has been laid against the Commissioners by hon. Gentlemen opposite. They merely say to them: "Some of our people don't like you, and you must go about your business." But I now pass to the far more important question of the new principles that are to be introduced into the administration of the Endowed Schools Act. What does the noble Lord propose to do? According to our contention—at least according to mine—he proposes to reverse, not merely the Act of 1869, but the whole spirit of our modern legislation. It is an attempt to put back the

hand on the dial of time 50 years. It runs counter to the whole spirit of the age, for everybody must see, who keeps his eyes open to what is taking place on the Continent of Europe, and in all countries of the world, that the policy everywhere pursued is to restrict and control, and not to extend, the power of ecclesiastical corporations in dealing with the education of the people. I must say that there is something singularly ungenerous, as coming from the other side in the retort directed against my right hon. Friend the Member for Bradford, that they are only acting on the principles he adopted in 1869. I am not concerned to defend the Act of 1869. It was avowedly a compromise. No doubt it would have been better to have boldly adopted the principle—as you did in the University Tests Bill—not to recognize the founder's wishes at all. But I suppose the right hon. Gentleman thought that what he proposed was as much as he could hope to carry at that time. At any rate, the concessions made were concessions to the prejudices of the other side, and the conciliatory spirit of the right hon. Gentleman was the theme of endless laudations from them on that occasion. And I say it is unfair and ungenerous in them, at least, to employ those concessions which they were understood then to accept as final and satisfactory, as a justification for such exclusive and re-actionary legislation as this. With regard to the will of the founder, on which hon. Gentlemen opposite laid such emphasis, I must say that I have some suspicion as to the sincerity of their professed reverence for it. They take it up and they lay it down just as it suits their purpose. When the will of the founder tells in their own favour they strain to the utmost any document that may come into their hands in order to sustain it. But when the will of the founder directs that the children should attend a Roman Catholic Church and be taught to pray for the dead, they drop it like a hot potato, and seek refuge in the mystical doctrine of "the continuity of the Church of England." They affirm that the Church of England is the heir of the Roman Catholic Church—not the heir of its doctrines, for that they violently repudiate—but the heir of its money and property. But if the Church of England is the heir of the Roman

*Mr. Richard*

Catholic Church, which it denounces as apostate and idolatrous, and as teaching blasphemous and damnable doctrines, surely the Protestant Dissenters may claim to be joint-heirs of the Protestant Reformation. The noble Lord, the Vice President of the Council seems to me to stand in a very peculiar position in regard to this matter. Last Wednesday he came down to this House, and made an able and earnest speech on the Public Worship Regulation Bill. The object of that speech was to show that the solemn compact entered into between Church and State—which compact he told us rested on the adherence of the Church to the doctrine of the Reformation—was in grave danger of being violated and overturned. In proof of this, he cited the memorable words of the two Archbishops, that there was a party in the Church desiring to subvert the doctrines of the Reformation, and who were bringing into peril the very existence of our national institutions for the maintenance of religion. He proved it further by various citations from the writings of the party in question. Among others by one from their principal organ, which declared that they are “contending for the extirpation of Protestant opinions and practices not only within the Church, but throughout England.” The noble Lord was good enough to say that the Nonconformists were as deeply interested in this matter as members of the Church of England. I agree with the noble Lord. But I go further and say, that if things go on much longer as they are doing in that Church, the Protestantism of this country will be in a very poor plight indeed, but for the reserve force of the Nonconformists. There are members of the Church of England who think so too. There is a body in existence known as the Vigilance Committee, at the head of which is the Earl of Shaftesbury. Not long ago this body sent communications to other Protestant communities in this country, including various bodies of Nonconformists, invoking their aid to arrest the contagion of Ritualism, which is spreading like a plague through the Church of England. In an address issued by this committee they direct attention to the fact that the day-schools are among the most powerful instruments for the diffusion of Ritualistic views, and that large grants of public money for instruction were put into the

hands of persons who employed it in undermining the Protestant faith of the nation. And yet the noble Lord brings in a Bill in which he endeavours to shut out the Nonconformists, who, he admits, are true Protestants, from all share in the management of those endowed schools, which are to direct the education and to influence the character of the middle classes of this country, and to deliver them over into the hands of a clergy, a formidable proportion of whom he tells us are trying to subvert the principles of the Reformation. In regard to these endowed schools, I thought there were certain principles which had been universally recognized and accepted. Such principles as these—that there is no good reason for assuming, where the contrary is not distinctly specified, that the instruction to be given in them must be in accordance with the doctrines of the Church of England; that with certain well-understood and admitted exceptions, the restriction of trustees of endowed schools to members of the Church of England is unjust, unwise, and injurious; that to confine the selection of masters to persons of Holy Orders, or to the members of one denomination, is contrary to reason and justice and sound policy. These were the principles recommended by the Commission of 1866, all of whom, I believe, with one solitary exception, that of my friend, Mr. Edward Baines of Leeds, were members of the Church of England, and three of whom were clergymen of that Church. These were the principles embodied in the Act of 1869, and as we have the authority of the right hon. Gentleman the Member for Bradford for saying, unanimously adopted by the Select Committee of this House, to which that Bill was referred. These were the principles that were carried through both Houses of Parliament without a division, and almost without discussion. It is true that the noble Lord has an explanation why they passed this House unchallenged. He says the Conservative party were so “dazed” and “stunned,” and their nerves were in such a state of disorder by the defeat of 1868, that they were not capable of doing anything. This is a rather curious confession to come from what claims to be the oldest and haughtiest portion of “the old and haughty race” of which the noble Lord spoke. But surely the House of Lords,

which had then, as it always has, an immense Conservative Majority, was not dazed and stunned. And how was the Endowed Schools Bill of 1869 received there? With a perfect chorus of congratulation and eulogy. I could quote passage after passage from speeches of noble Lords and right rev. Prelates to prove this. But I will restrict myself to two very brief citations. The Earl of Carnarvon said—

"When you come to deal with the clauses there are some few points which I think require attention, but generally and in substance I heartily approve this measure."—[3 *Hansard*, cxvii. 619.]

There is one other passage which I commend to the special attention of the noble Lord. It gives the opinion of one whom he, I am quite sure, holds in respect and honour, as I believe all do who know the estimable Nobleman whose words I am about to give. The Earl of Harrowby said—

"He must express his gratification at the manner in which the measure had been conducted through the House of Commons. He believed the Government had shown in the progress of the Bill through that House that they were actuated solely by a desire to promote a great national object, irrespectively of all party or sectarian feeling. He was happy to be able to add that Parliament and the country might, in his opinion, place the strongest reliance in the ability and character of the Commissioners to whom the supervision of the new system was to be intrusted."—[*Ibid*, 620.]

Compare all this with the charge of "riding roughshod over the Church," which is now brought against the late Government and the Liberal party in the last Parliament. And yet all the principles I have described as having received universal acceptance are now reversed, and repealed by this measure. And why is this done? I really can hardly say. If we may interpret the feeling of the Government by the speech of the noble Lord, it would seem that he and they had got scared by a certain terrible body of persons whom he again and again branded as "political Nonconformists." Nothing appears to me stranger or more unreasonable than the violence with which hon. Gentlemen opposite resented and denounced political Nonconformists. So long as there is a political Church in this country, there must be political Nonconformists, unless Gentlemen opposite contend that all we, as Dissenters, have to do, is to attend to our religious duties, and leave our civil and political

rights wholly uncared for. If such is the advice they give us, we say in reply—"We thank you for nothing." Political Nonconformists! Are there no political Churchmen? What are the hon. Gentlemen who line the opposite benches? Political Churchmen every one of them. When I hear hon. Gentlemen opposite lecturing us, as they are very fond of doing, for being political Nonconformists, I am a little reminded—I hope they will forgive me for saying so, for one cannot always control the laws of mental association—of the French proverb, "*Voilà le diable qui prêche la morale.*" Why, their whole Church is political from the crown of its head to the sole of its foot. A Church whose Head is the temporal Sovereign of this Realm. Or I will humour the right hon. Gentleman the Member for the University of Oxford (Mr. G. Hardy), by saying, if you please, the "Supreme Governor" of the Church. He tells us that that great theologian, Queen Elizabeth, objected to be called Head of the Church, because Christ is the Head of the Church. Well, according to my reading of the New Testament, Christ is the Supreme Governor of His Church too. But call it Head or Supreme Governor, the highest authority is the political magistrate. And not only so, but the appointments of the primary pastors of this Church, through whom flows the apostolic succession, and all those mystic influences which Churchmen prize so highly, are all political appointments. Surely, this House of Commons is a political Assembly. And how have we been engaged for the last fortnight? Why, in patching and tinkering two rickety Church Establishments. And how did hon. Gentlemen opposite come into this House? Did they not come riding on the cry, "our National Church and our national beverage?" Before hon. Gentlemen opposite, therefore, repeat with the scornful emphasis they are wont to use the cry about political Nonconformity, it will be well for them to give heed to the precept which speaks of beholding the mote in your brother's eye, and not considering the beam in your own eye. We are not the aggressors in this matter. I am sometimes told—"Why can't you leave the Church alone?" My answer is, the Church will not leave us alone. It meets us at every point;

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it crosses our path in every direction. We cannot engage in any work, religious, charitable, educational, social, or political, but we are thwarted, embarrassed, and worried by the exclusive pretensions of this dominant Church. If I wanted any vindication for being a political Dissenter, I should find it in the Bill now before the House. The speech of the noble Lord was a challenge and a defiance. I do not accept the challenge; I do not retort the defiance; for that, in my opinion, is not the spirit in which our legislation should be conducted. But I will tell the noble Lord, calmly and firmly, that I am not dismayed by the loud trumpet-blast he has sounded against the Nonconformists. The people of England do not like this re-actionary policy. It is not the Nonconformists only, but tens of thousands of liberal-minded Churchmen who will refuse to follow the Government in their attempt to transfer national property into the possession of a sect; and to consign the education of the people into the hands of a clergy whom they themselves declare are undermining the Protestant faith of the nation.

MR. NEVILL said, as one who had voted against the second reading of the Bill, he desired to say a few words in explanation; not only because of that vote, but because he felt bound, though reluctantly and unwillingly, to vote in favour of the Amendment of the hon. Member for Hackney (Mr. Fawcett). It appeared to him that the Bill was one of re-actionary policy. The policy of the last Government he understood to have been the extension of the benefits of endowments and foundations for the education of the middle-classes to the great body of the Nonconformists of this country. He approved of that policy, and he thought it desirable that the endowments and foundations which they wished to preserve for educational purposes should be shared in by all the inhabitants of the country. He had hoped on the previous night that the Amendment promised by the noble Lord (Viscount Sandon) would enable him to vote for the Bill, instead of following the hon. Member for Hackney into the Lobby; but he did not think the words proposed to be added to the 4th clause were sufficient to take away from it the objection which appeared on the face of it, and therefore he felt bound most re-

luctantly to vote contrary to the views of that party with whom he desired to act, and in whose opinions he generally concurred.

MR. SAMPSON LLOYD said, he did not yield to his hon. Friend who had just spoken in the desire to approach this subject in an unsectarian spirit, but he had been unable to come to the same conclusion. For his own part, he could not conceive what foundation there could be for the excessive warmth of feeling manifested by hon. Gentlemen opposite against this Bill; because Section 19 of the Act of 1869, and one or two sections in the Act of 1873 went quite as far, and even farther, than this Bill. The hon. Member (Mr. Richard) had talked of the national Church and the national beverage. He was not ashamed of either; and as to the national beverage, it was quite as good as the gall and verjuice which the hon. Member sometimes infused into their discussions. He was surprised to hear his hon. Friend the Member for Birmingham (Mr. Dixon) deny that the present Birmingham School Board had not permitted religious instruction in their schools. When they came into office the board, by a majority of one, abolished the former system of Scriptural instruction, and forbade religious instruction to be given by the masters. It was true, that the board let the schools at a rental to the Nonconformists, who taught on two days in the week their own religious views, for which the board was not responsible. That was not, however, teaching religion in the schools on the part of the school board. It was true, that the Governors of King Edward's School, Birmingham, had been for many years self-elected, and that the master of the school had been in Holy Orders. It should, however, be remembered that the provision for self-election had come down from ancient times, and had been the rule in many of our foundations. It was, probably, the only way in which the succession of duly qualified Governors could be kept up, and the school was not to blame for having continued the system of self-election. He believed that the present Governors were anxious to change the present system, and he would certainly never stand up to defend it. Several members of the Liberal party, long before there was any agitation on the subject, were elected upon the

board. The contention in regard to King Edward's School was not mainly one between Churchmen and Nonconformists, but whether the Municipal Corporation of Birmingham *ex officio*, and as such, should control the destinies of the school. He submitted that it did not argue any great illiberality to hold that those who were elected for a totally different purpose ought not to have the control over this large educational foundation. The Corporation, no doubt, contained many men of culture; but it also contained others who were not, and who could not appreciate the educational gifts requisite in the masters of such a school. He never remembered any public act which had caused more unpopularity than the appointment of the Endowed Schools Commission. He believed the reason was that some of their schemes were needlessly arbitrary, and that in some instances they had given to the middle classes those benefits which were intended for the poor. They had, also, caused a very widespread apprehension by their utterances as to what more might be done by persons actuated by their principles, and by the arbitrary way in which they had carried out their peculiar views. The country having been appealed to by the right hon. Gentleman (Mr. Gladstone), had pronounced against his policy. The country wanted a change; and it was not to be expected that the Conservative Government, which had come into power, would be content to cry "ditto" to all the schemes of the late Government. He would admit that if the Bill was not tolerant, it was not wise; but it appeared to him that, instead of having two conflicting bodies of Commissioners dealing with the same class of educational foundations, it was a much more simple and business-like arrangement to intrust the control over them all to the Charity Commissioners. The sympathy of the House had been claimed for the Endowed Schools Commissioners, but they had not been appointed in perpetuity. They had only taken office for a short term of years, which had now expired. These gentlemen had no vested interest in their office, and no hardship was inflicted on them if, in obedience to considerations of public policy, they were not now re-appointed. Nor could he see that there was any greater exclusion of Nonconformists, or that their liberties were more

narrowed under this Bill, than under the Act of 1869. All that could be said was, that it might secure some control for Churchmen which the action of the Commissioners might have denied them. The real source of the unpopularity of this Bill was, that hon. Gentlemen opposite saw in it the opportunity of a "good cry," and they very naturally availed themselves of it. In his opinion, the only real ground for discontent lay in a portion of the Schedule, and if that were removed, the Bill would be a very workable one. As, however, he believed the Bill in the main did no wrong, and made the old law clear, he should heartily support the Motion for going into Committee.

MR. WADDY: Mr. Speaker—It has been frequently remarked in the course of this debate that it would be well for some of those who represent Nonconformist opinion in this House to state authoritatively what attitude the different religious Bodies in the country will probably assume on this question. Sir, I belong to one of the largest and most energetic of those Bodies, but I do not think it is either my right or my duty to represent its opinions here in an authoritative way. There is a definite and recognized mode in which the decisions of the Wesleyan Body are made public, through its President, its Conference, and its Committees, and neither I nor anybody else in the House of Commons, at any school board, or anywhere else, has a particle of official or responsible right to speak in its name and on its behalf. I think it is inconvenient, though it has latterly become more usual than formerly, for hon. Members to assume representative rights which do not constitutionally belong to them. I claim to speak on behalf of the constituency who conferred upon me the honour of a seat in this House, and on behalf of nobody else. Still, as it has been my privilege during the whole of my life to be connected with the Wesleyan Methodist Society, I think I am able to judge what may be the effect of this Bill on our interests; what may be the feelings produced amongst us; and how, so far as I can see, it will probably influence our political action in the future. It is chiefly from this point of view that I propose to consider the question. Let me, however, say that I agree with that which was stated so

*Mr. Sampson Lloyd*



broadly and definitely by the right hon. Gentleman the Member for the University of London (Mr. Lowe) last night—that it is clear that this is not a Bill to live and stand by itself, but that it must be taken as part of the policy which dictated the introduction of the Licensing Bill. This is only a complementary Bill, a sister bill, which would not have any life in itself unless taken in connection with the Licensing Bill. The two measures have one history and one vitality about them, and they form part of one policy. Hon. Members on the other side found themselves deeply indebted to two classes for value received in votes and interest at the last election. I need not define those two classes further than to say that the one was to be paid by the Licensing Bill and the other by the Bill now before the House; and both Bills are due to a gushing gratitude on the part of the Government which is engaging—and which must entitle them in return to the gratitude of the persons in whose interest the measures have been introduced. And as these Bills had a common origin, they have had a singularly parallel history. And I hold that the system which has been adopted is inconvenient and objectionable in the highest degree. They have been brought into this House very raw and crude, with the understanding that everything that was really earnest and vital about them was of no importance. In the Licensing Bill, that which everybody in the country understood to be the vital portion of the Bill was declared not to be vital at all, and the attention of the House was sought to be diverted from that which was important to that which was ancillary. The same thing has been attempted here also. We are told by some hon. Gentlemen that this is a small Bill, that we are making too much fuss about it, and that we are making mountains out of molehills. That is easy to say if you adopt the extraordinary policy of the other side—if you ignore that part of the Bill which has caused, as I believe, disgust throughout the country, and not only in the Liberal party. That which, after all, is really the important part of the Bill has been put on one side by hon. Members who have spoken in its favour, and they have endeavoured to twist the debate into a comparison of the desirability of working improvement of endowments by means of the Endowed Schools Com-

mission on the one hand and the Charity Commissioners on the other. Now, if this stood alone, it would be a very important question, and I shall say a word or two about it directly; but, as compared with the rest of the Bill, this is the most important thing you can conceive. What we want to ensure is that you administer the right thing; and then, whether your plans are carried out by the Charity Commissioners or by the Endowed Schools Commissioners is a matter of comparatively small importance. In pursuance of this oblique policy of debate a good deal has been said which has reference solely to matters of detail. We have been invited to consider the Bill as if we had gone into Committee and were engaged on the clauses; and we have been told that our objections to it may fairly arise in that fashion. I protest against the theory that we should pass an objectionable Preamble for the sake of peace, because we may, perhaps, arrive afterwards at harmless compromises in detail. If we object to a thing in principle we are bound to fight that at once, and not to be twisted away from it by offers of amendment in Committee which—I do not mean to say it offensively, I am sure—but which yet may be delusive. Now, in looking at this Bill as involving and embodying real principles, it has only two things in it. The second is the more important of the two; but first with regard to the smaller question—that, namely, of jurisdiction. It has been said that the Endowed Schools Commissioners are very unpopular. Well, Sir, I have listened anxiously to the whole of this debate, and have tried to find out what fair ground of complaint exists against those Commissioners, and I declare I have not heard any suggested. If they have become unpopular, I fear it is because they have done their duty. And so will the Charity Commissioners become unpopular if they do their duty with regard to those schools. If old endowments are wickedly and abominably administered, and if you set anybody to reform this, to sweep away that which is wrong and mischievous, and to root out old sinecures, those upon whom such duties devolve will soon and inevitably become unpopular. But surely this argument of unpopularity should not in common decency be used here. If those men have become un-

popular by having done their duty, the one place to which they should naturally look for sympathy is this House, which first gave them their powers. If it is to be understood that when men do their duty, and thus incur great unpopularity, they are to be abandoned and thrown over in this way by those who are honourably bound to support them, it will be a very bad lesson, indeed, for all public servants in time to come. And therefore, Sir, I do not stay to inquire whether it is true or not that these gentlemen have become unpopular. I am satisfied with the fact that no one ventures to suggest that they have been guilty of a single act of impropriety or injustice. I know that they have had to perform duties of immense difficulty and exquisite delicacy, and I dismiss this first principle of the Bill—the change of jurisdiction—with the belief that it is our duty on all grounds of justice and honour to support the men who, as I believe, have done their duty faithfully and well. I come, Sir, to discuss, secondly, that which I believe the country generally considers to be the main part of the Bill, and I confess that I am somewhat amused at the remarkable arguments adopted in support of it. We have virtually been told sometimes that it does not mean what it says, and sometimes that it is impossible to say what it really does mean. Now, I apprehend that in ascertaining its true meaning we have a right to take the Bill with all its surroundings, and especially in connection with the speech with which it was introduced by the noble Lord (Viscount Sandon). I do not at all forget the other speech which the noble Lord delivered in explanation, or, I might say, in mitigation. But, Sir, while I do not for one moment doubt the good faith of the noble Lord, I repose more confidence on his first speech than his second; and I will tell the House why. When a right hon. Member makes a speech in this House which sets forth what everybody believes to be the true principle of the Bill; when the whole of that speech is of the most defiant and bellicose kind; when it is cheered by his Friends behind him with a rapture and vigour precisely proportionate to its vigour and wrath; when he comes again, after some time for reflection, of a totally different spirit, and by no means in accordance with the spirit of the Bill, we cannot but suspect

not only that the right hon. Member's eloquence has been chastened, but that in the interval he has been himself chastened for letting out too much. And in a case like this, I think that he, and those by whom he is supported, have no right to complain if we prefer to believe the first speech in its entirety, with all the anger and warmth by which it was characterized, rather than the second, which looks so very much as though it had been toned down to order. In such a case, it is quite in vain for hon. Members on the other side to say that we repudiate that which we say is the obvious intention of the framers of this measure. We must judge of people's intentions by what they do, and not by what they say, and certainly not by what they say on second thoughts; and thus we judge of the intentions in this case, not only by the words used in the second speech, but by the expressions used in the first speech, and, above all, by the Bill which is introduced. It is not enough to say that concessions and alterations will be made. Those concessions ought never to have been necessary to have been made. It is clear that the Ministry, with its great numerical power, can force the Bill through, and, if they choose to press it, they will succeed in carrying it; and, if they do, this Bill will show the true spirit of the party opposite, by which we have a right to suppose that they will be actuated during their whole lease of power. It is a spirit which, so far as Dissenters and all Liberal principles are concerned, is a spirit of complete exclusiveness. There is not an hon. Member who has said, or can say, that it will not, as a matter of fact, take away from Nonconformists, and from the nation as such, a very large amount of educational power, and hand it over to one denomination, and that denomination the Church of England. When once more Liberal principles assert their ascendancy, as they will do—does anybody suppose the Bill will remain a permanent measure—that it will be allowed to remain on the Statute Book for one hour? There can be no doubt that the Liberal party, when they have the power, will wipe it away as a serious disgrace to the law, and the nation will be rejoiced to find it done. The Bill is a hardship; but it is something more than that. There has been no generally expressed wish that the Endowed

Schools Commissioners should be removed, nor has there been any attempt to show that in any place in the country there has been a wish expressed that any of these schools should be made exclusive. The action of the present Commissioners has been generally accepted by the country. It has not been the subject of any formal complaint to this House; and yet this is to be suddenly and harshly altered without any cause, wish, or reason being shown except that something must be done to satisfy one-half of those by whom the present Government obtained their power, an attempt having already been made to satisfy the other half. Why are we to take schools which were not originally, according to the wishes of the founders, Church of England schools, and give them to the Church of England? Why are those schools, if they are to be dealt with at all, not to be fairly divided among the different branches of the Church, or the different sects? The Church of England is the Church of a wealthy and aristocratic minority, for it is impossible to deny that since the religious Census was taken—the Census, the fair taking of which has been resisted by the Church of England ever since—the Church of England is the Church of the minority of the country, and it is also notorious that that minority is composed of the wealthier classes of the country. Is it to be suggested that for these reasons that Church is to be favoured, to have handed over to her sole care and for her sole advantage these “outworks” and “fortifications?” Of course it cannot be; and this brings us to what I think is the real danger of this Bill—a danger which has not hitherto been pointed out to the House as fully and fairly as seems to me to be desirable. The only other reason for this favouritism is that it is the Established Church. But if that is to be the ground of action, mark the tremendous danger with which we are brought face to face. You are, in fact, telling the whole of the country that you are going to take away from the nation money and power devoted to education, and give them to a single Church, for no other reason in the world than that it is the Established Church. But is it reasonable to suppose Nonconformists will submit to this? It is impossible. But I will tell you

what will probably happen. The question of disestablishment is one which will press for a solution sooner or later. There are at this moment many members of my own Church and some of other Nonconforming Churches who are not prepared for the disestablishment of the Church of England—some even who are so far misguided as to give a general and active support to the Conservative party, or who, at all events, are opposed to any attack on the Church, and who do not object to an Establishment as such. But what must happen now? You say, “We will do you a gross injustice; we will give the Church of England so tremendous an advantage over you, that it will compel all who, up to the present time, have been non-political Dissenters, to become political Dissenters, and if this Bill passes, they will be compelled from that moment to fight for disestablishment as a matter of straightforward logic. We will undo approved legislation to your detriment, and we justify this hardship and this injury solely on the ground that the Church to be favoured is Established.” Sir, what must be our answer? What is the only answer that we can be reasonably expected to give? It is this. If Establishment is the synonym and excuse for outrage, the Establishment must die. And this Bill will thus compel those who up to this time have been “non-political” to become political Dissenters. It is said that Dissenters may send their children to these denominational schools. This is no relief at all. We know that this is what is meant and wished. But what does it involve? These schools are to become the outworks of the Church by being transformed into engines of juvenile propagandism. Dissenters are to be tempted to send their children to these schools in order that they may be subjected to the influences which will rule there. I warn hon. Members opposite that Nonconformists will never submit to this crafty benevolence—that they will not bear that their children are to be subjected to great educational disadvantages, or else to go where Church clergymen will teach Church doctrines, infuse Church prejudices, and plant what some of us believe to be Church errors. I predict, therefore, while I deprecate, the politico-religious strife which this Bill will excite when it

brings all moderate and all extreme Dissenters into one strong phalanx of Disestablishmentarians. It may be that Her Majesty's Government have proposed this change in the expectation of binding the Church to them, and by its aid maintaining themselves in power; but I will not say that is so. I cannot, and I will not believe, that the present Government is prepared to enter upon a course of reckless religious agitation up and down the country; but I venture to hope that, even from so young and humble a Member as myself, words may not pass unheeded which warn them against the dangerous course on which they are entering. But this, at all events, I will say—the principle embodied in this Bill, if sanctioned, cannot stop here. If Her Majesty's Government begin by taking the endowed schools, they must go on in the reactionary course; they must close again the Fellowships of Colleges which have so lately been thrown open; they must carry the principle further still, in more directions than one, and the result will be that they will find themselves launched upon such a sea of strife as I believe has never been seen within our times, the end of which cannot be foretold, but from which I earnestly hope and pray the country may yet be saved. And it is because I see this so clearly, and because I deprecate it so strongly, that I have ventured to make these remarks. I do earnestly hope that when we go down next time to the country to fight for our seats—and it may not be very long first—we may be able to fight on distinct and definite political grounds alone, and that we shall not drag the Church of Christ into the arena of party warfare, degrading her into a mere party cry, and trailing and staining religion in the dust.

Mr. BRISTOWE said, that the Opposition had been taunted with making this a party question; but if ever there was an occasion when it was fair and legitimate to do so it was when a Bill of this character had been introduced and carried forward in that spirit by the Government. If ever this Bill became law it would be essentially a party and reactionary measure, and thus far the Opposition was bound to do all it could to prevent its becoming the law of the land. The Bill was introduced in a spirit of a somewhat party character. It had been

represented by hon. Gentlemen opposite, and notably by the Secretary of State for War, as a measure merely to carry out the action of the last Parliament with regard to Endowed Schools in the Acts of 1869 and 1873; but if its object was no more than that, he could not understand why so much importance was attached to it by the noble Lord (Viscount Sandon), and why so strong an appeal should be made for passing it. He had read the Bill with great attention, along with the Acts of 1869 and 1873, and he must say, instead of being a small, unimportant measure, it was one of a very great and serious character—a Bill which would have very grave results, and results too, of a character that was very little dreamed of by those who supported it. They had been told that the Endowed Schools Commissioners had made themselves singularly unpopular in the country; but he ventured to prophesy that if the Charity Commissioners had similar duties assigned to them they would soon become equally unpopular. It appeared, however, that their duties would be widely different from those the Endowed Schools Commissioners had to discharge. He had examined the Bill carefully, and he confessed that it was a measure which would introduce very momentous changes into the law at present existing with respect to the endowed schools; and he did not envy the Charity Commissioners the extremely troublesome task which was imposed on them of reading Section 19 of the Act of 1869 by the light of this Bill. What was more, it was reactionary in its character, and could not fail as such to be mischievous and evil in its consequences. Nonconformists, in spite of all that had been said to the contrary, would be prevented from having their fair share in the management of the schools. A Church domination would be set up; wrangling and ill-feeling would be the result; and pretensions would be preferred by Churchmen which Nonconformists would not acknowledge, but which, on the contrary, they would denounce and resist. He quite admitted that the children of Nonconformists could be sent to the schools; but the question was, would they be able to get the prizes and scholarships that were given in these schools? [An hon. MEMBER: Yes.] That might be so in the opinion of the hon. Member; but it was certainly not so in his. On the contrary, he believed

*Mr. Waddy*

that the children of Nonconformists would be debarred from the enjoyment of the privileges of those institutions. The noble Lord (Viscount Sandon) had given Notice of an Amendment providing that—

"Nothing in this or in the principal Act contained shall require the Commissioners to provide that the governing body in any scheme (other than a scheme relating to a Cathedral or a Collegiate Church school) shall be members of any particular Church, sect, or denomination, and they may provide to the contrary unless there be in the original instrument of foundation any provision directing that the governing body, or any number of the members thereof, shall be members of a particular Church, sect, or denomination."

How would that Amendment apply to cases where the founders were Roman Catholics? He thought the Amendment would not remove the grievance. He believed it was quite in the power of the Government to press the Bill forward if they chose to do so; but he warned the Government that if it were carried out in the spirit in which it had been framed and brought in, it would prove injurious to the interests of education, and create much greater dissatisfaction in the country than any which had arisen from the operations of the existing Endowed Schools Commission.

MR. SCOURFIELD said, he wished to confine himself to the administrative part of the Bill under discussion. The Chancellor of the Exchequer had read a letter to them from the Charity Commissioners as to the expediency of not having a divided administration in those matters; and, only yesterday, he had himself heard of a case in a town in the West of England where schools were not built merely because the Charity Commissioners and the Education Commissioners could not agree. That showed that one Commission would be better than two. Sometimes no Commission at all was better than even one, although perhaps hon. Gentlemen opposite believed, as Sydney Smith said, that the great secret of human happiness lay in handing over all sublunary affairs to the care of Commissions and Commissioners. Commissions might be valuable, but were they all to be abolished on Saturday night, the sun would rise as usual on Sunday morning.

"*Mira cano, sol occubuit, nox nulla secuta est.*" He saw no reason why the Charity Commissioners should not be competent to

perform the duties proposed to be intrusted to them, especially as their functions were of a judicial character, and they need not necessarily be connected with a particular party in the State. As that was a matter of mere administration he was decidedly in favour of that portion of the Bill. A Commission might become rather unpopular for doing its duty; but if its unpopularity reached a certain height it would become a dangerous institution. Moreover, in these days Governments must be careful how they brought on themselves great unpopularity; because through the ballot-box people had a ready means of revenging themselves for any annoyance they experienced. If, when they got into Committee on that Bill, reasonable objections were met, the greater part of the dissatisfaction it occasioned would probably disappear.

MR. STEVENSON said, he thought that, in spite of the attempts of hon. Gentlemen opposite to treat as slight the changes proposed by that Bill, it was very evident, on the face of the whole subject, that those changes were, after all, very serious. The liberalizing effect of the Act of 1869 was about to be greatly narrowed, and its restrictive parts very widely extended. The schools to which the change would apply were to be numbered by hundreds. But what was even more important was the altered spirit which was to govern that legislation, as evidenced especially by the sweeping change about to be made in the *personnel* of the Commission. It was said by some of the advocates of the measure that it would be more liberal than the Act of 1869, and that it would impose the Conscience Clause contained in the Act of 1870, but as matter of fact a Conscience Clause had already been imposed in Endowed Schools under the schemes of the present Commissioners. A strong objection to the Bill was, that it would tend to exclude Nonconformists from sharing in the management of endowed schools. It was no answer to this objection to say that the schools would be open to children belonging to any religious denomination, for it was casting a stigma upon a large body of men to say that they should have no voice in the management of the schools in which their children were being educated. He would respectfully request the attention of the Prime Minister who

now held the office of Lord Rector of the University of Glasgow to another objection to the Bill. It would prevent a large class of highly competent teachers from being engaged in the endowed schools from the Scotch Universities; for men trained in those Universities would be ineligible as teachers in the schools managed under the provisions of the present Bill, although their scientific acquirements might render them valuable teachers. He looked upon the Bill as a retrograde measure, and he certainly could not give his support to it.

Mr. WATKIN WILLIAMS said, that, having listened attentively to the lengthened debate upon the Motion before the House, and to the conflicting, and, at the same time, confident opinions which had been expressed by hon. Members as to the scope and object of the Bill, he had put the question fairly to himself—What was really the true meaning of the Bill? Was it the retrograde and re-actionary measure it had been described, reversing the received and settled policy of the past, or was such a description of it unfair and exaggerated? To listen to the speeches of some hon. Members opposite, particularly the speech of the hon. Baronet the Member for East Devon (Sir John Kennaway), anyone would suppose that this was an innocent and harmless measure for merely improving and amending “The Endowed Schools Act, 1869,” and giving a more complete and extended operation to the real principle of that Act. He disclaimed the charges that had been thrown out by hon. Members opposite, that there was an attempt on that side of the House to make political capital out of the Bill. Such attempts he condemned not only as wrong and unworthy of a great party, but as most unwise, and as certain to recoil upon the heads of those who made them. The country at large was sure to judge for itself, and form its own conclusion whether the charge was a just one, or whether the Bill was properly denounced as a retrograde measure, reversing great and settled principles of past legislation, or an amending and improving Bill intended to carry out and develop those principles. He wished to impress upon the House that it was by no means a simple matter to determine what the real meaning and effect of the Bill was. The question turned mainly upon the

effect of Clause 4 of the Bill, which introduced a new and most extraordinary interpretation of words contained in Section 19 of the Act of 1869, and so giving a sweeping and almost indefinite extension to a highly objectionable, though hitherto limited, exception contained in that Act in favour of the Established Church. He might have contented himself by proving that that was so, from the very language used by the noble Lord (Viscount Sandon) in introducing this Bill; but he would also prove it from the very words of the Bill itself, and also from the arguments of many hon. Members who had spoken in support of the measure. What did the noble Lord say? He said, in the first place, that the Bill had become necessary on account of the death of the Endowed Schools Commission, and because it was not desirable to renew the powers of that Commission. Now, he (Mr. W. Williams) would pause for a moment to ask, what had the Commissioners done to deserve such treatment? No tangible or specific charge had been made against them which could justify the tone adopted towards them. The Commissioners had discharged difficult, onerous, and, in many respects, invidious duties in a manly, courageous, and faithful manner, and had therefore not unnaturally incurred a considerable amount of unpopularity. Theirs was like the labour of Hercules in cleaning out the Augean stables, and they had stirred up the spite and animosity of the worms and the vermin which had fattened upon the accumulated corruption of ages. An hon. Member had justified their dismissal upon the ground that in these days of popular influence and vote by Ballot, it was not sufficient that public officers such as these should perform their duty faithfully, but that they ought to do it in such a way as not to excite public opposition. Was that House, then, asked to sacrifice faithful public servants to popular feeling and disfavour for honestly and fearlessly doing their duty? Was it not rather the duty of the House to stand by them, and protect them, unless it could be shown that they had been unfaithful to their trust? He thought that their unpopularity was the best proof that they had dealt with the corruption and abuses of the old endowments in the true spirit of the Act of Parliament. But that was not

*Mr. Stevenson*

the true cause of their dismissal. They were to be sacrificed because they had too faithfully and too honestly carried out the policy of the Act under which they had been appointed. That was obvious from the speeches opposite, justifying the Bill upon the ground that at the late Election the country had declared itself in favour of reversing the policy of the past, and contending that the Government was bound to justify their present position in office by giving effect by means of this Bill to such reversal of policy. And what were the words of the noble Lord himself? He said, alluding to the attitude of the Nonconformists towards the Established Church, that, as the guns were pointed at the fortress, it was but just as well as necessary that they on their side should make a stand and defend their fortifications. He spoke of "belligerents" and of "enemies and allies," and in powerful and stirring language expressed the firm resolve of the Church to hold to the last these great educational endowments throughout the country, as the outworks and fortifications of the threatened Establishment. What did all that mean? Did it mean the superseding a Commission that had failed to do its duty, and the introduction of a mere amending Bill to extend the principle of the existing Act? Was it not, on the contrary, clear and plain that the object of that Bill was of a wholly opposite character? He would not dwell too much upon the speech of the noble Lord, but would turn at once to the Bill itself. In Wales a strong feeling had been aroused, and most justly aroused, against the Bill, from one end of the Principality to the other. The great body of the people were Nonconformists, and there were a large number of these ancient endowed schools spread all over the country; and the determination on the part of the Established Church to seize and retain those ancient national institutions, and to convert them into so many fortresses planted throughout the land for the defence of that Church, would cause a deep and bitter feeling of resentment not only on the part of Dissenters, but in the breast of every generous and liberal-minded man, whether Churchman or Dissenter, throughout the length and breadth of the land. Turning to the language of the Bill itself, it was by no

means obvious, at first sight, what the true operation of it would be, and, indeed, except to persons of legal experience, it was difficult and puzzling in the extreme. He had no hesitation in stating that, having carefully studied the Bill, and compared its language with the Act of 1869, it was not an amending Bill at all, but a Bill which completely reversed that great leading principle of the Act of 1869, which was to throw open the great endowed schools of the Kingdom to all without distinction of creed or sect. Clause 4, in a manner wholly unprecedented in legislation, placed a forced and unnatural interpretation upon the words "express terms of the original instrument of foundation," wherever they occur in the Act of 1869. And what was the effect of this? In order correctly to appreciate the effect of this extraordinary Interpretation Clause, it would be necessary to apply its language to the provisions of Sections 17, 18, and 19, of the Endowed Schools Act, 1869, and if the House would allow him he would read the exact words to the House. Clause 4 of the Bill was this—

"In this Act and the Endowed Schools Acts the expression 'express terms of the original instrument of foundation,' shall be held to include any provision in the original instrument of foundation which enjoins the attendance of the scholars at the religious worship of any particular church, sect, or denomination, or that they should be members of a particular church, sect, or denomination, or directs that the masters or principal master of a school are to be persons or a person belonging to any particular church, sect, or denomination, or requires or subjects the regulations of a school to be made or approved by any person or authority holding office in any church, sect, or denomination, or directs the governing body of a school, or the majority of such body, or the electors of the governing body, or a majority of such electors, to be members of a particular church, sect, or denomination."

He would now read the Act of 1869—

"Section 17.—In every scheme (except as in hereinafter mentioned) relating to any educational endowment, the Commissioners shall provide that the religious opinions of any person, or his attendance or non-attendance at any particular form of religious worship, shall not in any way affect his qualification for being one of the governing body of such endowment."

"Section 18.—In every scheme (except as in hereinafter mentioned) relating to an endowed school, the Commissioners shall provide that a person shall not be disqualified for being a master in such school by reason only of his not being or not intending to be in holy orders."

"Section 19.—A scheme relating to . . . (2.) any educational endowment the scholars educated by which are, in the opinion of the Commissioners . . . required by the express terms of the original instrument of foundation . . . to learn or to be instructed according to the doctrines or formularies of any particular church, sect, or denomination, is excepted from the foregoing provisions respecting religious instruction, and attendance at religious worship . . . and respecting the qualification of the governing body and masters."

He begged the House to observe the language of these various sections. He had been exceedingly dissatisfied at the time with the narrowness of the exception from the great principle of the Act of 1869, contained in Section 19, and still more so with the extension of the exception by the Amendment Act of 1873. He regarded all these ancient educational endowments as belonging to the nation, and thought that they ought to be boldly thrown open to everybody, as if no distinction of religious creeds existed; but these exceptions were submitted to at the time, though not without a protest, as a compromise in which large numbers of the Liberal party had to give way. It was now proposed by the Bill practically to extend the exception contained in Section 19 to almost every endowed school in the Kingdom. That section excepted from the operation of Sections 17 and 18 of the Act, all schemes for endowed schools, the scholars educated by which were required by the express terms of the original instrument of foundation to be instructed according to the doctrines of any particular Church. Objectionable as that restriction was in principle, it was of less consequence practically, as it reached but a small number of endowed schools, because not many contained any express provision upon the subject. But what did the Bill now propose to do? It proposed to extend, by means of a forced, unnatural, and even contradictory interpretation, this exception to every endowed school, the instrument of foundation of which could be considered by any conceivable inference, however remote, to have provided for, or have even contemplated any religious instruction of its scholars. That would practically bring within the reach of the exception in Section 19 almost every endowed school in the Kingdom, and would in effect, though not formally or in words, repeal Sections 17 and 18 of the Act of 1869, and hand over all the endowed schools to the Church of

England. Such a step was the most monstrous and most retrograde that had ever been attempted. Let not hon. Members deceive themselves, or the country, to the contrary, for that was the true legal operation of the Bill. He would candidly concede that there was a sense in which it might be said that the present Bill merely confirmed and extended a certain principle recognized by the Acts of 1869 and 1873. No doubt that was so, but what principle was that? It was the principle contained in the exception in Section 19, which he and so many Liberals objected to, and wished to see abrogated, and which it was now proposed to make universal, converting, in fact, the small exception into the general rule. There was one advantage of being in Opposition:—he could tell the Leaders of his own party that, if they wished ever again to be in power, they must be prepared not only to repeal the Bill, but to go a great deal further and sweep away the invidious exceptions in the Acts of 1869 and 1873, and place the great educational endowments of the country upon a broad, liberal, and truly national basis. For his own part, he was prepared to go much further than anybody had yet suggested in radically reforming and nationalizing those ancient endowments. The historical accounts which they had listened to as to the origin of some of those endowments, and as to the periods of their creation, and the special objects and opinions of the pious founders were, no doubt, very interesting; but he thought that a great deal too much importance had been attached to that branch of the subject, and to the special notions and ideas of ancient founders who had been dead for hundreds of years. He would ask, who was this pious founder for whose opinions they were asked to entertain such superstitious veneration, and whose intentions it was seriously contended in this year 1874 should be so strictly carried into effect? Some of them, no doubt, had been most worthy, benevolent, and enlightened men, whose chief object had been out of their superabundance to make provision for their less fortunate fellow-creatures, and by these munificent gifts for religious, charitable, and educational purposes, to confer a public benefit upon their country in generations to come. But it was undeniable that a large number were men



of an opposite character; men who, having plundered and cheated their fellow-creatures through life, had been described by a well-known writer in language more irreverent than he could have ventured to use, as vainly endeavouring in the last act of their lives to cheat the Devil of his just inheritance, after they had left this world, by bequeathing their souls to God, and their ill-gotten wealth to religious and charitable uses. Other men, actuated by the vilest and meanest motives, had bequeathed large sums to such purposes with a view of perpetuating their miserable names. That was in most cases the pious founder. He fully admitted the importance of encouraging the wealthy and benevolent to devote property for the use of endowing public institutions, especially of an educational character; but he entirely disputed the policy and practical use of attempting to carry out too closely the ideas or wishes of pious founders who had lived hundreds of years ago. Some persons seemed to think that because during the few short years they lived upon the earth, they became possessed of property or accumulated a certain portion of the produce of the earth, and because the law conferred upon them a certain power of disposing of it at their death, they had some sort of natural right to dictate to future generations and even distant ages, how, and upon what terms, that property should be used and applied; he entirely denied the existence of any such right, and disputed the policy of conferring by law any such rights of property. The extraordinary power of bequeathing property in perpetuity was entirely unknown to the ancient law of England, and was invented by the lawyers and priests of the Middle Ages for the purpose of accumulating and monopolizing power in the hands of ecclesiastics, in direct opposition to the true spirit of the laws of England. Nothing could be more injurious to the moral and intellectual progress of a nation than the exercise of such extraordinary powers over property, for the purpose of perpetuating particular ideas, whether of religion or morals; because ignorant and weak people, under the influence of superstitions, were always anxious to stereotype and perpetuate for ever certain fixed ideas of morals or religion under the

belief that they had discovered some fixed and immutable truths; and the consequence was that in every progressive country the endowed teachers of religion and morals were invariably behind, and generally in conflict with, the age in which they lived. Nor would his principle be found in practice to have any effect in preventing those persons who were desirous of endowing useful public institutions from doing so. It was a well-known fact that in no period of our history had there been so many or such magnificent endowments created or gifts made for public purposes as there had been in modern times, and since Parliament had asserted and exercised the right of dealing freely with the intentions of ancient founders. It might, he thought, be desirable to allow founders for a limited period after their death—say 50 or even 100 years—to insist upon their special views and wishes upon any subject being strictly carried out; but beyond such fixed period he thought that all special restrictions and limitations upon the future use of property ought to be reviewed, and, if necessary, over-ruled and made conformable to the public views of the day. Whether property had been left by Roman Catholics, or Anglicans, or Anabaptists, for the purpose of perpetuating their particular doctrines, he should treat as wholly immaterial after the lapse of the period of limitation. He would treat them all alike; and, looking at the matter practically, he was convinced that the abolition of this power to tie up property to religious uses in perpetuity would strengthen and not weaken the rights of private property. Returning to this Bill, he should not be afraid, for his part, to see the Bill pass into law, because it would let the country know what the intentions of the Government as to education and endowments were in the future. The noble Lord had let out the true character of their future policy when he had spoken in such impassioned language of “guns pointed,” of “belligerents,” of “enemies and allies,” and of “fortresses to be retained and defended,” all in relation to the great educational endowments of the country. What was that but the language of war? The noble Lord had thrown down the gauntlet and had hurled defiance at the Nonconformists and the whole Liberal party.

[Mr. DISRAELI: Defence, not defiance.] "Defence and not defiance" did the right hon. Gentleman say? He thanked him for the interruption. He thought he had heard those words before. But why were they on the defensive, when they had not only a numerical but a solid and substantial majority? Was it that they felt conscious that they had placed themselves in the wrong? But if the right hon. Gentleman and the noble Lord were determined to pursue that unfortunate metaphor, he would remind them that in order to defend those fortresses they must first re-take them, for at present they were in the hands of the enemy, and they knew that; and it was by means of this Bill, which was in truth and in fact no less than a declaration of war, that it was hoped that they would be regained. The Tory Government had declared war against the Nonconformists and the Liberal party in relation to the endowed schools of the whole country, and he hoped that the country would fully understand the import of that declaration. He could only speak on behalf of his own constituency in Wales; but he hoped that if the Bill must pass, it should pass with all its present deformity. It was impossible that any such retrograde measure could now do any permanent harm to the country; whilst, on the other hand, it would serve to show the people that the Tory Government had thrown off the mask, and it would bring them back to their senses and prove to them what geese they had made of themselves at the last Election. It was a measure which the country would resent, and which would moreover enable those who wished to carry out true Liberal principles with respect to educational endowments, not only at a future time to repeal the Bill, but likewise to carry out a complete and radical reform by sweeping away all restrictions and exceptions from the legislation of 1869 and 1873, and giving the full benefit of all our ancient endowments to the entire community without distinction of religious creed or sect.

SIR THOMAS ACLAND could not but feel that a challenge—an offensive challenge—had been given to Nonconformists, and also that the Endowed Schools Commissioners had been exposed to undue treatment. The noble Lord (Viscount Sandon) had an here-

ditary right to deal with this question, for years ago his honoured father (the Earl of Harrowby) had made earnest endeavours to make the grammar schools and the endowed schools of the country more useful for the people. He gave every credit to the noble Lord for good intentions, and thought it was very hard to place him in a position so painful and disagreeable at so early a period of his official career. He did not believe he had been placed there by the Prime Minister. If the Government wished to improve the machinery of the existing Act, it was not necessary to treat with censure and utter contempt the labours of the Commissioners in the discharge of a very difficult and onerous task. Many years had been occupied in solving the problem of middle class, or, as it was called abroad, secondary education. He thought the Government had been pushed on by the county Members behind them. He believed that the wounding of the dignity of the Trustees of Schools, and the touching of the pockets of those who were responsible for the education of the people, had a great deal to do with the unpopularity of the Endowed Schools Commissioners. No one was more sincerely interested in public school education than Lord Lyttelton. He was sometimes called a bouncing Eton boy; his heart was wrapped up in public school education, and he was a warm and sincere Churchman. He it was, too, who solved the question of a Conscience Clause and prepared a bridge which the Church was enabled to step over for some purpose. He was a friend to instruction of a definite religious character, and he believed that that was not inconsistent with the principle of trusting the English people with the management of their own affairs. Canon Robinson was identified with middle-class education, was a clergyman of the Church of England, and had done his utmost to get over the difficulties which beset the path of the Commissioners. He believed the disestablishment of the Endowed Schools Commissioners was directed against one outspoken man who had had the courage to speak out against some of the most glaring abuses—a man who was an eminent member of one of our Universities, a man noted for extraordinary accuracy and conscientiousness. Having watched his career for some years, he never saw

a man who so observed authority and never went beyond the law. That was the man whom this Bill was directed against. He was a man distinguished as a scholar and as a schoolmaster, and he was to be turned adrift after many years' service simply because he rendered himself objectionable to country gentlemen. ["Name, name!"] Hon. Gentlemen opposite knew the name well enough. They wanted to get rid of him, but he believed it was not intended to turn off the rest of the staff. Those who knew best the gentleman to whom he referred would be the last to believe the charge of discourtesy to the Trustees of Oakham. The Chancellor of the Exchequer spoke last night as he always did, kindly, sensibly, and with a thorough knowledge of his subject, for there was no more sincere reformer of endowed schools. He had worked with the right hon. Gentleman on the Endowed Schools Inquiry Commission, and if the Government had consulted him they would have paused in their career of turning the present Commissioners adrift. The right hon. Gentleman correctly said, that the Endowed Schools Inquiry Commission had recommended that the duty of dealing with these endowments should be given to the Charity Commissioners. It was not for them to dictate the creation of new machinery, and they took the more modest course of recommending that the work should be given to an existing Commission. They suggested, however, that with the Charity Commissioners should be coupled Public Boards of the neighbouring gentlemen. The Charity Commission itself was but a branch of the Court of Chancery. The person upon whom the unpopularity of the Endowed Schools Commission should be visited was Mr. Hobhouse, a late Commissioner, who was now serving his country in India. He had shaped the early course of the Commission on some of the most unpopular points, and he had two remarkable qualifications—he had the ready pen of an equity draftsman, and he had been a Charity Commissioner. Did the Government remember what it was to lose all this enormous mass of accumulated knowledge? He did think it monstrous that the noble Duke (the Duke of Richmond), who called himself the Minister of Education, and the Vice President of the Council, should bring in this Bill without

any personal or private communication with these Commissioners. The only possible explanation of that was that the Commissioners were from the first doomed to destruction, and therefore it was thought better to keep the knowledge from them. He deeply regretted the course which had been pursued. If it had been a case of cattle disease or South Down sheep, or any question affecting landlords and tenants, the noble Duke would have spared no pains to communicate with the parties, to get all the information in his power, and to produce an impression on the minds of those with whom he had to act that he had not been behind in courtesy. He, in the interest of the public, also deeply regretted the course which had been followed by the Government, and he hoped they would find some means of amending the Bill. It was incomprehensible to him (Sir Thomas Acland) that a responsible Government should come down to that House with nothing to say against a body of men who had been engaged in a great public work, but that they were unpopular. But did not the Conservative Party know what it was to be unpopular? However, there the Government were, and hon. Gentlemen opposite knew how many votes this question had gained them at the last Election. But he would ask any public man who remembered what had occurred during the last 30 years, whether it had been the practice of a Government to desert a Commission because it became unpopular? Take the reform of the Poor Law. The whole power of the leading journal was turned against the Poor Law Commissioners; but did the Whig Government make Mr. Edwin Chadwick the scapegoat? No; they stood by the Commissioners. Sir Robert Peel did not throw off his responsibility when he constituted the Ecclesiastical Commissioners; yet the whole power of the Deans and Chapters was brought most earnestly to bear against them. There were things done here which rendered it easy to throw odium on that Commission; but the Government carried it through to the great benefit of the country. Neither had Mr. Lingen been thrown over by the Government of the day. Why did not the present Government, with the able staff they had in the Education Department, take up this work, and make themselves respon-

sible for carrying it out, instead of throwing it upon the shoulders of a semi-judicial Commission? The Government might be assisted by the experience of eminent gentlemen in the counties and large towns in a work of this kind. He could truly say for the Endowed Schools Commissioners that their earnest endeavours had been to call into play local influences, and not merely to enforce their own views finally. There were certain legislative restrictions imposed upon the Commissioners by Parliament, and these they introduced into their schemes; but in all matters affecting their own discretion they had always deferred to that of the Governing Bodies concerned in working out the schemes. He was, he might add, very much pained at the exceedingly unfair manner in which his right hon. Friend the Member for Bradford had been dealt with in the course of the discussion, for hon. Gentlemen opposite ought to know better than anyone what they owed to him. The right hon. Gentleman had made provision for special schools, yet throughout the debate he had been charged with all the exclusiveness which had been so often mentioned because he tried to meet hon. Gentlemen opposite half-way. He hoped, he might add, that the Government would say plainly whether they intended that Dissenters should be excluded from the Governing Bodies of any schools, and, if any, of what schools. Were the schools to be affected by the Bill to be as much entitled as hitherto to scholarships and endowments, and were the restrictions with respect to masters taking Holy Orders to be increased? He wished also to know what was the object of taking away from the Governing Bodies the power of assenting to new schemes? He did not think it was unreasonable, especially from the point of view of hon. Gentlemen opposite, that provision should be made for the continuance of religious education under circumstances where with any kind of fairness it could be said that the schools had a claim to be regarded as denominational; but if the exclusion of Dissenters was to be maintained to anything like the extent which was indicated, an unmerited insult would, in his opinion, be cast on Nonconformists, and a step taken which would be a very serious source of danger to the Established Church. There had been a great

deal of misunderstanding with regard to the Bill; but there was no mistake, at all events, about the expression of the Prime Minister's determination to put down Ritualism. He had great confidence that the Prime Minister, as a man of genius, was anxious to give to the lower portion of the middle class and the upper portion of the artizan class the benefit of the ancient and noble educational endowments of the country. He hoped the Government would make arrangements by which they would be enabled to retain in some form or other the services of those who knew most about this subject. He trusted the Government would treat this question in such a manner that instead of arousing the indignation of that side of the House they would win its support.

COLONEL BARTELOTT said, he was not one of those who were particularly in love with this Bill; but if there was one thing in the world that would pass the Bill, it was the speeches they had heard in opposition to it from hon. Gentlemen opposite. His hon. Friend who had just sat down always imported more party spirit into his speeches than almost any other man he knew. He began by attacking one of the former Commissioners who was now in India, and praising another who might be sitting under the Gallery. It was a most improper thing to praise a man who was present, and to blame most severely a man who was absent. ["Oh, oh!"] The hon. Member said Mr. Hobhouse was not a fit man to be on the Commission. ["Oh."] [Sir THOMAS ACLAND: I did not say so.] That, at all events, was the inference to be drawn from the hon. Baronet's words. Then, he said that the noble Duke the President of the Council had given no notice to the Commissioners why he was going to dismiss them; but if it had been a matter affecting pleuro-pneumonia, the relations of landlord and tenant, or game—[Sir THOMAS ACLAND: I never said a word about game.] Well, South Downs; game and South Downs were not far apart; whoever bred the one well would be able to breed the other well also. But his hon. Friend had said that no reason for the dismissal of the Commissioners had been given. Perhaps it might have been well if some reason had been given; and he was surprised that the noble Lord should have said that these men acted to the best of their

ability when he had previously said that they had not discharged their duty. He (Colonel Barttelot) was bound to say that from one end of the country to the other he had heard great complaints of the way in which they had done their duty. He had never heard that any complaints had been made against the right hon. Gentleman opposite (Mr. W. E. Forster) for the way in which he had carried the Act of 1869. The hon. Member for Merthyr Tydvil (Mr. Richard) had made a remarkable speech, in which he used these words—"The Conservative party who lie upon the benches opposite." What did the hon. Member mean by those words? The Conservative party were an orthodox and proper party, and he (Colonel Barttelot) never saw one of them lying on those benches. [Mr. RICHARD: I beg the hon. and gallant Gentleman's pardon. I said "line the benches opposite." ] His (Colonel Barttelot's) ears must have deceived him, as he had certainly taken down the word as "lie." Well, the hon. Member for Hackney (Mr. Fawcett) made two distinct statements the other night. The first was that under this Bill no child of a Dissenter could receive the endowments or scholarships of these schools. For his part, if he (Colonel Barttelot) thought the Bill was intended to prevent the children of Dissenters from entering into fair competition with those of the Churchmen, he would not support it. But it would, he believed, have no such effect. The hon. Member also said that out of 42 gentlemen who had got fellowships at Trinity College, Cambridge, no more than five went into the Church, and he argued that this Bill insisted that all the masters of these schools should be clergymen. If that was so, the Bill should not have his support; but as he read its provisions, no such result would follow. These were, however, matters which he believed would be made perfectly clear from the Treasury Bench. Whether it was wise or not to bring in this measure he would not argue; but he believed it had been blackened far more than it deserved. He was bound to say that one or two of the clauses were most obscure, but he did not understand them to bear the construction which had been put upon them by hon. Members opposite. For his own part, he should be

glad when the Bill went into Committee, because some excellent Amendments were to be introduced by his right hon. Friend the Member for the University of Cambridge (Mr. Walpole) and others, and as to the transfer of the duties of these Endowed School Commissioners to the Charity Commissioners, he heartily and entirely approved of it.

MR. GOSCHEN said, he did not know whether the loud cheers which greeted the close of the speech of the noble Lord the Vice President of the Council on introducing the Bill were due to the fact that the measure was merely meant to substitute one set of Commissioners for another, as the hon. and gallant Member who had just spoken said it was. If so, he was surprised that a change of that description should have called forth so much enthusiasm. When the hon. Member for North Devon (Sir Thomas Acland) sat down he expected that some Member of the Government would rise to explain the position in which the House stood. The Government had certainly not assisted the House very much in the progress of the Bill. They had had two speeches from the noble Lord, one from the Secretary of State for War, one from the Home Secretary, and one from the Chancellor of the Exchequer. But as one portion of each of those speeches was devoted to answering the other portion, much light had not been thrown by them on the subject under discussion. The noble Lord's second speech had explained away his first; but the Chancellor of the Exchequer, having only spoken once, had not had an opportunity of answering himself. The right hon. Gentleman had, however, done away with much of the effect which might have been produced by the speech of the Secretary of State for War. He said that the reason why the Commissioners were removed was that there was to be a reversal of policy. A reversal of what policy; and, a substitution of what policy for it? These Commissioners were to be dismissed, not because they had done wrong, but because of the reversal of policy which was going to take place; but at the very moment when the House was asked to assent to the dismissal of these Commissioners and to transfer their duties to another body it did not know what was the policy which was going to be reversed—it did not know whether or not Dissenters were to be eligible as

members of the Governing Body of schools. The speeches of the noble Lord the Vice President presented two different views of the subject. In the first he spoke of the Dissenters as belligerents but in the second he called them "his Nonconformist brethren." The Government did not cheer the noble Lord when he spoke of his Nonconformist brethren; but then his belligerent speech was received with cheers such as had seldom been equalled in the present Parliament. What was the real policy of Her Majesty's Government? What was the House asked to do? Was it to deal with the brethren or with the belligerents? That was the question before the House, and in order to answer it one must look at the Bill in connection with the cheers and speeches of hon. Gentlemen opposite. The object of the Bill, he maintained, was clear enough. It had been argued that in the Bill of 1869, because there were exceptions made in favour of a certain class of schools, by a change of the exceptions the same policy would be pursued. The 17th clause was the principal one in the Act of his right hon. Friend the Member for Bradford (Mr. W. E. Forster), and the 19th contained the exception. Out of some 850 schools there might be 50 or 100 exceptions, and the remainder were to be treated under Clause 17; and now it was contended that because certain exceptions were accepted, the Government were pursuing the same policy because they made Clause 19 the rule, and Clause 17 the exception. That was scarcely a fair mode of dealing with the question. It was making it dangerous to be moderate. Nothing could be more dangerous than that hon. Members opposite should in their present strong forces set the example that any moderate proposal which might have been accepted by the other party should be turned against them for party purposes. He wished to know what would be the effect of this Bill. There were three classes of schools to which this Bill would apply—namely, schools the schemes relating to which had already been settled; schools the schemes relating to which were at present under consideration; and schools as to which, at present, nothing had been done. Let him consider the effect of this Bill upon these three classes of schools. They had at present 200 schemes under the consideration of the Endowed Schools

Commissioners. The whole of that work this Bill proposed, in effect, should be pulled down. The House was asked to transfer the settlement of the schemes relating to those 200 schools to another body. There was a provision in the Bill that the Commissioners were for a time to act together—that the Endowed Schools Commissioners and the Charity Commissioners were to consider these points together. He did not think the Endowed Schools Commissioners would have much satisfaction in discussing these schemes after they had been so politically discredited. But how were these 200 schools to be dealt with? Were they to be dealt with on the principles of the past—on the old principles, or on the new? What would be the effect of the new scheme upon the old schools which had already passed through the ordeal of getting a new scheme? His hon. Friend the Member for Reading (Mr. Shaw Lefevre) dealt very ably with that portion of the question. Were these schemes to be re-cast? Were the questions relating to them to be raised anew? The Commissioners had ample powers for doing so, and he would call the attention of hon. Members to the fact that the 28th clause of the Bill of 1869 gave the Commissioners power to make supplementary schemes. He was informed that as to all those schemes which had been contested but not settled, the question whether the contest as to them should be fought over again was left at the mercy of the new Commissioners; that the schools at Bradford, Manchester, and Birmingham would have still to be dealt with; and that as to the schools in other towns, they would have to be dealt with according to the new policy. Was that a tolerable state of things? It was an intolerable state of things. Let the House consider under what auspices this Bill had been produced. It must be in the recollection of hon. Members that in the House of Lords certain schemes had been thrown out under certain influences. As to the school at Birmingham, an influential Member of Her Majesty's Government—namely, the Marquess of Salisbury—whose influence with reference to the introduction of this Bill might be detected, had succeeded in throwing out the scheme of the Commissioners; and by the same easy process the schemes as to some other schools also had been rejected in the House of Lords.

*Mr. Goschen*

From the policy which had obtained the rejection of those schemes, the House might perceive the policy which underlay this most mistaken course which the Government had asked the House to assent to. With regard to future schools, he asked again what was the reversal of policy which was to be effected, and he trusted that Her Majesty's Government would give a clear and unambiguous answer to that question. Was that reversal to apply only to religious education and to the government of schools—because the Marquess of Salisbury who moved the rejection of schemes relating to some of these schools, confined himself to objections on those points? He (Mr. Goschen) wished to remind hon. Members of the five points of reform which the present Commissioners were to inquire into. The Conservative party had been dazed into acquiescence with regard to those points, but he trusted that was not the case with reference to the Liberal party. The five points which had actuated the Commissioners in drawing up their schemes were patronage, the Governing Body, the education of girls, the religious endowments, and the turning the old grammar schools into modern schools. In carrying out their policy they had submitted a number of schemes to Her Majesty's present Government, who had been good enough to pass all the schemes submitted to them. [Viscount SANDON observed that a great number had not been passed.] Forty-two schemes had been passed, three were sent back for re-consideration, and the remainder were under discussion. But was a single Member of that House so simple as to believe that if the noble Lord was aware of schemes presented by the Commissioners, which offended against any of the great canons that were to be set up by the present Government, he would not have informed the House of the monstrous proposals which had been made by the Endowed Schools Commissioners? Why, in the course of a three nights' debate not a single instance had been brought forward by the Government of even an injudicious act on the part of that body. Were hon. Members aware of any previous case in which a Commission had been dismissed and discredited when not one of its acts had been questioned? The fact was, that it was not for what they had done, but for

what they had said in reply to hostile questions put to them before a Committee that the Commissioners were to be dismissed. They were to be dismissed because they were opposed in theory to the wishes of the Government, and because the latter could not trust them to carry out a reversal of their policy. Under these circumstances, he asked what was the point on which Her Majesty's Government were going to reverse the policy of the present Commission, and in what they expected the Charity Commissioners would do better than their predecessors? He felt satisfied that the House would not consent to conclude this debate without an expression of opinion from Her Majesty's Government upon this all-important point. He wished to know further what was the real declaration of the views of Her Majesty's Government, the second declaration of the noble Lord, or the first one which appeared to command the full consent of the Conservative Party. The right hon. Gentleman the Prime Minister had suggested to the House that if they could not pass the Bill it might be advisable to drop it. ["No."] The right hon. Gentleman had threatened that as the Act would drop the Commission would drop with it, and that the country would be put to the enormous inconvenience of being for a certain number of months without a Commission at all. For his part, such a result would be endurable. [*Ministerial cheers.*] Hon. Members opposite who cheered the observation did not wish any further reform in this direction, so that they might go on enjoying their abuses. There would then, in their opinion, be no unpopular Commissioners going through the length and breadth of the land disturbing vested interests and raising a number of most inconvenient questions. But for his own part, he should prefer to have no reform for a short time, with the view of having at no distant date an effectual Commission appointed. That would be better than appointing an ineffectual Commission for five years, which would create great dissatisfaction throughout the country. The noble Lord opposite (Viscount Sandon) had spoken of forging links which would unite different parties together. At present the only forging process that he (Mr. Goschen) had seen consisted in

the noble Lord's blowing the bellows so as to kindle a fierce flame all over the country. If this Bill passed no good results could flow from it. Would the Church derive any benefit from it? As a Churchman he ventured to say that it would not. The action that had been taken by the Conservative party, and the attitude assumed by them on this question, had been very disastrous to the Church of England, and it was a remarkable fact that during the last six months the Conservative party had been in power, the Church of England had incurred more serious perils than during the four years the Commission had been in existence. The Liberal party when in office identified itself with the nation, whilst it secured the rights and privileges of the Church, and the Church had suffered more during the short period of existence of the Conservative party than during the whole time the Liberal party were in power. The noble Lord the Member for Calne (Lord Edmond Fitzmaurice) had warned the Government against identifying itself so closely with the Church, because it was impossible for a Government to identify itself in such a manner with the Church without rendering it dangerous to the Church itself. The Prime Minister had made a little speech across the Table that evening, interrupting the hon. and learned Member for Denbigh (Mr. Watkin Williams) in a humorous manner. When it was remarked that that Bill was a defiance on the part of the Church, the right hon. Gentleman said "Defence, not defiance"—and he might have said in his epigrammatic manner, that his defence of that Bill was defence of the Church. This policy of making exceptions rules and rules exceptions was not a policy of defence, but one of aggression, and was sure to be followed by reaction. Whether they would pass this Bill or not he did not know, but hon. Members on that—the Opposition—side might have one consolation—that in the Bill were clauses which provided that every scheme would have to be submitted to the House before it passed into law. He understood that they were to have an Ecclesiastical Session next year, and if every scheme to be passed by the Charity Commissioners after our policy had been reversed was to be submitted to Parliament and to be challenged by

hon. Members on that side, who would keep a most watchful eye upon those schemes, a very considerable portion of their time would be employed in considering the reversal of that policy. Let the Government now declare what that reversal of policy would be, and, unless their utterances were entirely unambiguous, he trusted the House would support the Amendment of his hon. Friend the Member for Hackney (Mr. Fawcett.)

LORD JOHN MANNERS said, the right hon. Gentleman who had just sat down had informed the House and the country that the existence of the Conservative Government was incompatible with the safety of the national Church. He thought that a startling statement, but the explanation was as follows:—that the Conservative Government was apt to identify itself with the interests of the national Church; whereas the Liberal Government took care to make it plain that it regarded the Church, not as the national Church, but as the Church of the nation. He hoped that distinction would be regarded as satisfactory by hon. Gentlemen, and that for the future among those leading questions which would be put to candidates on the hustings would be this one—"Are you in favour of the national Church or of the Church of the nation?" The right hon. Gentleman had made a very ingenious and luminous speech, in which he found fault with nearly everything his noble Friend (Viscount Sandon) had said in both the speeches he had delivered; he propounded a great number of questions better suited to the less heating atmosphere of Committee, and thought he had discovered what he called a "disingenuous argument," which founded itself upon the conduct and language of the right hon. Member for Bradford (Mr. W. F. Forster), when he was in office. Now, having listened to the greater part of this debate, he had heard no speech during the course of it which more fully vindicated that argument which the right hon. Gentleman had termed "disingenuous" than the frank and outspoken speech of the hon. and learned Member for the Denbigh Boroughs (Mr. Watkin Williams). Turning to the right hon. Member for Bradford, who sat below him, the hon. and learned Gentleman said frankly and openly that he was as much opposed to



the legislation of the Act of 1869 as regarded the 19th section, and to the Act of 1873, as he was to the Bill before the House. Well, if that were so, how could the hon. and learned Gentleman, with any show of consistency, support an abstract Resolution proposed by the hon. Member for Hackney (Mr. Fawcett), asking the House to refuse to proceed to the consideration of the Bill in Committee because it was hostile to the policy of the last Government? Why, the hon. and learned Gentleman was opposed to the policy of the Act of 1869, and if the Bill before the House was opposed to that Act, he ought really to vote for the Bill going into Committee. And now he challenged the principle of the Amendment of the hon. Member for Hackney. How were they to find the policy of the last Parliament? Was it expressed in the speeches of right hon. Gentlemen, however distinguished or influential? Was it expressed in the votes of that House—votes, it might be, that were carried by very large majorities? He denied that the policy of the last Parliament had been expressed in any such way. In order to get at that policy, or understand what it really was, they would have to consider the Act itself which had been passed by that Parliament. He maintained that the Bill was not in contravention of that portion, at all events, of the policy of the last Parliament with which it professed to deal. The right hon. Gentleman had told the House that so hostile was he to this measure—so convinced was he that it would be detrimental to the interests of the Church and fatal to the interests of education, so much alive was he to its re-actionary character that rather than see it passed he would be willing that the Endowed Schools Commission and the Acts of 1869 and of 1873 should be swept away at once in order that he might get the chance of something better in the future. If they were to talk of the policy of past Parliaments, he might be allowed to say that in the last Parliament he had heard something of this sort. This was not the first time that hon. Gentlemen sitting on the Liberal side of the House had said—"We would rather see all legislation abandoned, and the endowed schools left to shift for themselves, than that a re-actionary and fatal policy should be inaugurated." An hon. Gentleman whom

he saw rise to address the House a few minutes ago, in moving the rejection of the Bill of 1873, concluded his observations with the words which the House had heard repeated several times in the course of this debate. The hon. Member for Swansea (Mr. Dillwyn) said—

"He altogether objected to the exclusion, by the 6th clause, of some of the schools from the operation and, consequently, from the benefits, of the Act, and could not see on what principles such a provision had been adopted. The recommendations of the Select Committee did not at all justify such an alteration in the law, and, for his part, he would rather see the Bill lost than that such a provision should be sanctioned by the House. It would upset a principle which they had fought hard to establish, and he could not be a party to any retrograde movement on the subject, and for that reason he felt bound to move the rejection of the Bill."—[3 *Hansard*, ccxvii. 719-20.]

In spite of that vigorous protest and the division which the hon. Member for Swansea then took, the "retrograde measure" of the right hon. Gentleman was passed into law. The measure was called "retrograde." Why? Because it extended in certain respects the provisions of the 19th section of the original Act of 1869. It therefore incurred the hostility and animadversion of the hon. Member for Swansea and his friends. Well, what did this Bill do? The Bill was founded mainly upon the proposals made in the Select Committee out of which the Act of 1873 arose. It was designed further to explain, and to a certain extent extend, the principle which was sanctioned by the Acts of 1869 and 1873. Well, but if that were so, how could hon. and right hon. Gentlemen raise the cry of "retrograde, re-actionary policy?" How could they appeal to the country, which he was bound to say up to the present moment did not show the least inclination to respond to the appeal? This Bill was a fair and legitimate Bill, and a fair subject for discussion in Committee; and when the right hon. Gentleman asked to have the clauses of the Bill explained, his answer was, the place to explain them was in Committee of the House. Now, when the right hon. Gentleman told them further that he relied upon the five points made by the hon. Member for Hackney, and expected the Government to give a positive explanation of them, his answer was, that with three of them this Bill did not concern itself in the least—namely, female education, patronage,

and the turning of old into modern schools. The other two points would form subjects of discussion when the House got into Committee, as he trusted it would to-night; and if the right hon. Gentleman was in any doubt as to the schools which had been already treated by the Endowed Schools Commissioners, he would tell him that the schomes which had received the assent of the Queen in Council were not touched by this Bill, and it was never the intention of those who were responsible for the measure to place those schemes at hazard. But if any doubt still existed on the subject, there would be no objection to consider the proposal made by the hon. Member for Reading (Mr. Shaw Lefevre), and clear it up. With respect to the minor points in the Bill—namely, how far the principle of former Acts with regard to Section 19 of the original Act should be exemplified and extended, that was a fitting subject for discussion in Committee. He protested against the violent outcry that was raised against the whole principle of the measure, and he asked the right hon. Gentlemen who raised this clamour what they expected would be done by any Government coming into office and finding that the Act of 1873 would expire at the end of 1874? [An hon. MEMBER: Renew it.] Did they suppose that, with the distinct statement on the part of the Commissioners that the language of a portion of the 19th section of the Act of 1869 was so obscure as to lead to constant trouble and difficulty, the Government was not bound to legislate; and that after such a condemnation of the wording of the section, the future operations of the Commissioners could be left subject to the difficulty, trouble, and annoyance they had experienced in the past? If nothing had been done the Government would have been justly open to animadversion and to censure. A great deal had been said in condemnation of the Government as to the course which they had adopted in transferring the authority from the Endowed Schools Commissioners to the Charity Commissioners; but after the statement which was read to the House last night, could it be doubted that there were practical and sensible reasons why the change should be made? For himself, he had not denounced the language or conduct of the Endowed Schools Commission;

but, terminating as it did this year, it was necessarily the duty of the Government to propose legislation, and it was natural, reasonable, and sensible that with the view of giving increased facilities for the re-organization of public schools, and the future management of them, the course proposed should have been recommended by the Government. He was not in the least ashamed of the course adopted, nor did he believe it would be misinterpreted by the country. He had the honour of enjoying the friendship of one of the Endowed Schools Commissioners, and nothing could be further from his thought or intention than to think or say anything derogatory of that gentleman's public conduct; but was he to be told that, because he entertained the highest opinion of gentlemen, when their office expired by Act of Parliament, the Government were precluded from considering what was the most beneficial method of considering the powers hitherto wielded by them? The Government were justified in the course they had pursued, and they submitted it with confidence to the arbitrament of the House.

MR. GLADSTONE: Sir, the noble Lord who has just sat down appears to me to have founded his defence of the measure before the House mainly upon these propositions—that the Endowed Schools Commission is about to expire; that the outgoing Commissioners have complained of the ambiguity of the 19th clause of the existing Act; that if this Bill be unacceptable to the Liberal party, so was that of 1873, as the noble Lord proved by reference to the Motion of the hon. Member for Swansea (Mr. Dillwyn); and, finally, that this measure is not to be considered as a reactionary measure, but rather as a measure of continuance, expansion, and modification of a process which was set in Motion by the last Parliament. As regards three of these allegations, they can be disposed of in fewer words than those in which they were made. If it be true that the Endowed Schools Commission is about to expire, it is about to expire in consequence of the enactment forced upon the acceptance of the majority of the late House of Commons by the friends of the noble Lord in another branch of the Legislature; and the noble Lord, in founding himself upon that state of the law as an apology for

anything that cannot be justified upon any grounds, is pleading his own wrong in his own defence. The allegation that the Commission complained of the ambiguity of the law is, no doubt, in the letter, true; but that allegation was made by the Commission—as must be known to the noble Lord—before the Act of 1873 was passed, for the purpose of removing the ambiguity which the Government of the day and which the majority of the House recognized, and therefore it cannot be quoted by the noble Lord in justification of the present Bill. The noble Lord finds the hostility of the Liberal party to the Act of 1873 proved by the Motion of the hon. Member for Swansea for the rejection of the Bill. The noble Lord cannot have examined into the circumstances of that Motion, or he could not have failed to be aware that it had no connection whatever with the matters which are now in dispute. The Motion, founded upon the feelings entertained by my hon. Friend with regard to the application of small endowments for the purposes of education, was perfectly distinct from the matters with which our present discussion has to do. Now I come to the general allegation of the noble Lord, having brushed aside these very trivial allegations. He says that this Bill is to be regarded rather as the continuance, expansion, and legitimate prosecution of the work of the last Parliament, than as a departure from the spirit of that work. What is the history of the case? It is exceedingly grave, because it is full of warning and danger with reference to future times and to circumstances which may be different from the present circumstances. In 1869, when an overwhelming Liberal majority had just been returned, when they were flushed with triumph, when they were under the excitement of great measures victoriously advancing, they undertook to deal with the subject of endowed schools; and under the guidance of my right hon. Friend near me (Mr. Forster), and of the noble Marquess with whom he was immediately connected in office (the Marquess of Ripon), they dealt with this subject in a spirit of such moderation, that the minority in this House found no occasion to complain, and the majority in the other House sympathizing with the minority of this House, the most

marked eulogies were pronounced upon the spirit and temper in which the Bill had been framed by distinguished Members of that majority. The noble Lord proceeded to argue that the concession which the Liberal majority made for the sake of averting opposition, and the qualification of its own principles to which it was content to submit by a general regard for the feelings of others, are now to be turned against it, and to be used as a basis of apparently almost unlimited demands. That was the first step. Then comes the Bill of 1873. In 1873, with the sincere purpose of removing ambiguity undoubtedly yet further, schools were carried by the Act of the late Parliament and the late Government into the category of denominational schools, and that again is used precisely in the same manner. That liberality of construction and interpretation towards the minority is, the moment that minority is turned into a majority, used as a reason and justification for urging their own policy to a far greater extent, in utter disregard of the spirit and provisions of existing legislation. Last of all, the astonishing allegation of the noble Lord is that the Bill is founded upon proposals that were made in the Select Committee of last year. Made, Sir, undoubtedly; but by whom? Made by the minority of the last Parliament. He has, first of all, urged against you all the concessions your considerate feelings induced you to make—and I call them such upon the authority of Lord Carnarvon and Lord Harrowby—and then, having urged against you all these concessions, he resorts next to the further proposals of the minority, which even your patience could not then endure, and says—“After all, we are only now endeavouring to carry into effect that which as the minority of the last Parliament, we asked.” That is exactly the charge against you, and that is exactly the question which opens up this general consideration of Constitutional proceedings in respect of which we complain, quite apart from the merits of the present Bill, important as those merits are. The present Government, in the name of Conservative principle, is giving the sanction of its authority to a kind of innovation most perilous and most dangerous to the course of legislation of this country, as it has been stamped and

sanctioned by the practice and authority of every preceding Conservative Government, no less than by Liberal Administrations. The Prime Minister last night suggested the complaint that it was sought to defeat this Bill by time. I must say I never heard a suggestion less warranted by the facts. Here is a Bill most obscure in its character—to a certain extent, I grant, necessarily obscure, from the system of reference upon which its framework is founded—a Bill, obscure in its character—rendered far more obscure by the uncertain and fluctuating declarations of Members of the Government, no two of their speeches agreeing in their spirit, and the most important of their speeches contradicting in one portion what was stated in another portion; a Bill introduced into this House in the month of July, touching most nearly the feelings as well as the interests of an immense mass of the population; and, after two evenings of discussion, not in continuous debate, as the sum total of the discussion the Prime Minister of the country has the courage to insinuate that it is sought to defeat this Bill by time. It is the first time I ever heard such a charge made at such a stage of the discussion upon any Bill, and it is not favourable to the progress of Public Business that such a charge should come from such a quarter. Whether this Bill is in danger or not, I do not know. The right hon. Gentleman spoke last night as if he were not unwilling that it should be in danger. He appeared to think that it would not, after all, be a very bad thing if the Commissioners could be got rid of, and if the endowed schools, with all their imperfections on their heads, could be allowed to slumber for an indefinite time. The business of to-night is not, I think, to bandy charges from one side of the House to the other with respect to their responsibility for an event which has not arrived, and may not arrive; but the real business of the evening is to investigate this Bill, and if necessary, to advance charges without fear, provided they are legitimately founded on the contents and spirit of the Bill. Now, I say that if the Bill is in danger at all, it is in consequence, first, of its exceptional and extraordinary character; and, secondly, on account of the singular obscurity and the remarkable self-contradictions of those who have introduced

and recommended it to the House. Let us see how that matter stands. The noble Lord who has just sat down, in his doctrine as to the expansive nature of this policy, and its legitimate relation to the Act of 1869, entirely overlooked the statement which was made in the most distinct manner by my right hon. Friend the Member for the City of London (Mr. Goschen) in his able speech, and by preceding speakers—that whereas in the former Acts of Parliament those schools which were received as denominational schools were strictly exceptions to the rule, the spirit and effect of this Bill as it stands, is to convert the rule into the exception, and the exception into the rule. That was an allegation which ought to have been met by the noble Lord. It embraces the whole pith and substance of the case; but I want to know why it was passed by the noble Lord. The silence of the noble Lord on that charge, I think, goes far to justify the charge against the Bill itself. I will not now discuss the two speeches of the noble Lord the Vice President of the Council, they have already been largely discussed; but I will refer to the speech of my right hon. Friend the Chancellor of the Exchequer, because I shall then be certain that I am not misrepresenting the effect of what he said. It was stated by him that the Government had advisedly taken this course with regard to the Endowed Schools Commissioners—those Commissioners who, after so many years of service—we are now entitled to say at the expiration of three nights of discussion, have not laid themselves open to one single charge with reference to one single act which they have done; and who are, as the reward of their services, to receive at the hands of the Government dismissal from office. Why are they to be dismissed from office? The Chancellor of the Exchequer undoubtedly gave a reason of sufficient breadth. He said, they are to be dismissed from office because “that was the most considerate and feeling course we could pursue towards gentlemen of so much character and high position. How could we go to them and say, ‘We cannot ask you to become the instruments of another policy from that which you have carried out?’ Therefore,” said the Chancellor of the Exchequer, with very considerable plausibility,

*Mr. Gladstone*

if not fairness, "the course we took, even if it appeared abrupt and harsh, was most respectful to the Commissioners from whom we could not expect to exact compliance with a fundamental change in the proceedings." So far so good, as regards the defence of the Government, for what we think this harsh dismissal of the Commissioners. But then, when my right hon. Friend came to perform the rest of his task I imagine it escaped him that he had given this description of the nature of the new duties to be undertaken. He had evidently undertaken a very difficult labour. He had to vindicate the conduct of the Government with respect to the dismissed Commissioners; but when he came to disarm the fears of Parliament and the country with reference to the character of the Bill, he said—"The Act will be carried out, upon the whole, on the same lines and in the same spirit as heretofore." Now, I submit to my right hon. Friend that these two portions of his speech are in flat and diametrical contradiction of each other. If this Act is to be carried out, on the whole, on the same lines and in the same spirit, I ask why were the Commissioners dismissed? If they are dismissed because it would be disrespectful to them to ask them to become the instruments of a policy generally different from that in which they had acted, then I want to know what right had the Chancellor of the Exchequer to conciliate the apprehensions of Parliament and the country by alleging that things are to be carried on, on the whole, on the same lines and in the same spirit?

**THE CHANCELLOR OF THE EXCHEQUER:** I did not say that they were to be conducted in opposition to the conduct of the Commissioners generally, but on certain points, in particular Church Schools; and with reference to lines, I was speaking of the general reform of the endowed schools of the country.

**MR. GLADSTONE:** If that be so, then there is going to be a fundamental change; the most difficult, the most delicate of all the changes involved in this question, which concern the relations between the Church and the Nonconformists and the endowed schools—upon that question there is going to be a fundamental change of policy. Is that course likely to be satisfactory? Is it

likely to be satisfactory even to the Friends of the Government? Very remarkable Amendments have been announced from their own Benches. My hon. Friend the Member for Cambridge University (Mr. Spencer Walpole) proposes to make a deep gash in the Bill. A Gentleman, who appeared to speak not without some understanding with the Government, announced his readiness to move other Amendments in the same sense; and altogether I must say there is a degree of difficulty in ascertaining, not what are the mere professions of the Government—these, until they are closely examined, carry us a very little way towards a knowledge of the facts—but great difficulty in understanding what is the real nature of the Bill to which we are intended ultimately to give our sanction. We must take the Bill, then, as it stands; and I cannot attach too great an importance to the avowal which the Chancellor of the Exchequer has frankly made. I almost think that we understand at this moment somewhat better than we have understood before—certainly much better than we understood during the speech of the noble Lord who last spoke; better even than during the second speech of the noble Lord the Vice President of the Council, though, perhaps, not better than during his first speech—the actual position in which we stand. What is the principle then, on which the Government are to proceed? We are told it is a pious respect to the will of the founders; but then we ask; what do you say to the University legislation, where you have gone much further from the will of the founders than in the case of the endowed schools? Now, mark the nature of the answer. They say, "Oh, do not imagine that we have the smallest notion of altering the University legislation. That is to be regarded as sacred; but this is a measure in which we are perfectly at liberty to make changes." Why is that? In the case of the University legislation the result was arrived at after long contest, and with great difference of opinion subsisting to the end, and because it was manfully opposed it is not to be altered. In the case of the endowed schools legislation, there was harmony approaching to unanimity, while warm commendations of opponents were earned by a conciliatory course, and consequently we are told that there is

no harm in re-opening legislation of that kind. Anyone who weighs the value of these arguments will see that if this Bill passes, and if the University legislation remains safe and intact, it is not because there is the absence of the will to disturb it, but simply because the power to use it is not sufficient. But let us examine a little into the intense reverence for the wills of founders which has moved the Government to make a proposal which, as I have said, has converted the exception into the rule, and the rule into the exception. That was all done to satisfy the wills of founders; but hearing so much of the wills of founders, an hon. Member from the sister country (Mr. Sullivan) who feels a great interest in the wills of certain founders who made their foundations at a certain time, rises in the course of the debate and asks whether the will of his founders is to be respected. The Prime Minister rose with some signs of embarrassment, and not with the briskness he usually displays; and what was the nature of his answer? He says, "Don't talk to me of the wills of the founders. In that early stage, I answer you by pleading the continuity of the English Church." But what is the legislative and political meaning of the continuity of the English Church? It is simply that the power of Parliament was called in to control and reverse the will of the founder. And the claim of the Government is to avail itself, turn about, of principles contradictory to one another. When it is desired to overturn or alter the legislation of the last Parliament, then it is to be done on account of the wills of the founders. But when somebody else proposes that you should act on your own principle, and recognize the wills of the founders in reference to the schools to which the hon. Member alludes—"Oh, no," you say, "the wills of the founders were overruled by the will of Parliament." And so were the wills of the founders overruled by the will of the last Parliament, and your principle comes to this—it is to be turned to the one side or the other exactly as it suits your purpose. When it is desired to turn the wills of the founders to account, then the high, moral, and constitutional principle is to be pleaded for observing the founder's will; but when his will is inconvenient, it and his memory are to be cast to the winds. So

that the Endowed Schools Act of 1869 is to be overthrown in the name of the founder's will, and then the founder's will is to be overthrown in the name of the continuity of the Church. Well, I want to know whether this policy of disturbance is a wise and considerate policy. I will not say in a Liberal sense—on that point, I think, we who claim to ourselves especially that honourable name have all made up our minds—but in what may be termed a Conservative sense. It appears that the greatest difficulty will arise in reference to those schools which have actually received definitive schemes under the existing Endowed Schools Commission. If you are altering and overthrowing that Commission, because its acts have trespassed against that great and elevated principle—namely, the sanctity of the founder's will, why are you to leave undisturbed the schemes in which they have thus ruthlessly violated the founder's will? Why is there to be that sort of *insula* of legislation?—why are a certain batch of schools to remain as the evidences of a period of desecration, like the marks of a portentous deluge that has passed over the land, with the old reign of sleepy indifference and abuse before it, and with your new system of careful regard to the wills of the founders to come in after it? I venture to predict that, if this Bill goes forward, the schemes which have already passed are not secure. In principle it is evident that their standing-ground is entirely cut away; and I want to know how they are to be secured against the exercise of that power of the Commissioners which enables them to bring in subsidiary and supplemental schemes, and which, as far as I know, will enable them to deal in those subsidiary and supplemental schemes with the very points on which the Chancellor of the Exchequer frankly informs us that there is to be a radical change of policy? But look to those schools which have not yet received their schemes; and I will take only one case for the purpose of testing the principle on which we are now invited to proceed—I mean the Manchester Grammar School. That school and its friends are now, in trembling, awaiting the judgment of Parliament with reference to this Bill. What is the existing state of things? The school has been reformed by the energy of the public of Man-

chester, that remarkable community; but it awaits that measure of security which it would have received from a scheme framed by the Endowed Schools Commissioners and approved by Parliament. That school had a much smaller number of pupils some 25 years ago, before principles were applied to it identical with those upon which, generally speaking, the Endowed Schools Commissioners have been acting. It is enormously raised in its numbers. They were mentioned to-night as approaching 300. I understand they approach 600. I understand it does not stand on its numbers alone, but on the perfect harmony of its system; and not even alone on its numbers and its harmony combined, but, in conjunction with these, on the great distinctions which have been achieved by its pupils, and the marked efficiency of its instruction. Nay, Sir, even this is not all that combines to give force to the example of the Manchester Grammar School. There have been great alarms on the other side of the House as to stopping up the sources of private liberality. We have been told, I do not say threatened—it has been said, I have no doubt, in perfect sincerity—that the continued recognition of the principles of the Endowed Schools Act would have the effect of inducing private individuals to withhold their bounty from the cause of education. Let us test that allegation by the case of the Manchester Grammar School. Within the last five years £50,000, from sources purely private, and to a very considerable degree Nonconforming, has been subscribed for the purpose of that Grammar School. Now, I ask, is it good policy to disturb that state of things? We are told that it is a question of Secularism, and of the exclusion of religion from education. I understand that a course has been taken at Manchester, which I confess I believe, in the difficulties of the day arising naturally from our many religious divisions, to be no unwise one. The instruction given by the Governors of the School is secular instruction; but every encouragement and every facility is given for imparting religious instruction by the teachers of religion in conformity with the convictions which they and their pupils entertain. The Governing Body of that school consisted of 12 persons, of whom six were Nonconformists and six were Church-

men, and I ask why is that system to be disturbed? Is it good policy to disturb it? Under the present law it is secure, because in any scheme which the present Endowed Schools Commissioners may issue they are required to provide that the religious opinions of no person shall affect his qualification to act as one of the Governing Body. But the noble Lord, instead of that perfectly secure title which Nonconformists and Churchmen enjoyed together in perfect equality and harmony, offers to the Commissioners permission to include Nonconformists in the Governing Body unless there shall be any special promise to the contrary in the original will or instrument. I want to know what case can be shown in reference to an instance like this of Manchester, which I believe to be a most fair and typical one, in support of a policy to impair and, indeed, to cut away the legislative foundation of the title which the Nonconformists at present enjoy of fair play in the appointments to the Governing Body of the school, and to substitute for it a permissive title which may or may not come into action, but which if it does will not stand forth as the clearly-expressed will of Parliament, but as a permissive sanction under which, by way of indulgence, they are to be allowed to take their places at the Board, and thereby to destroy the equality of position between themselves and their brethren—to use the noble Lord's expression—of the Church, which has been the secret and the seed of the concord which at present reigns. Upon the faith of the legislation of 1869 these £50,000 were subscribed, partly by Churchmen, but yet more by Nonconformists, and we are now deliberately asked, in the name and under the sanctity of the intentions of the founders, to pass a Bill which will place those £50,000 at the mercy of the new Charity Commissioners, and will bring the money within the sweeping declaration of the Chancellor of the Exchequer, who tells us that there is to be, and shall be, a fundamental change in that portion of the Endowed Schools Act which relates to the treatment of Nonconformists in comparison with Churchmen. I want to know how it is reconcilable with good faith that we should pass an Act in 1869 which went forth like sunshine over the city of Manchester, and induced the people of

right hon. Gentleman opposite has dilated with great emotion on the subject of the School at Manchester. As I am advised, there is no foundation whatever for the view which the right hon. Gentleman has laid before us. I am advised that under the 19th clause of the Act of 1869 such a contingency is entirely provided for. There, again, however, if I am wrong, I can be corrected at a later stage; but I shall be prepared in Committee to maintain my opinion. [*A laugh.*] Probably, the hon. Gentleman who laughs is a new Member and has never been in Committee. But if this Parliament should exist for some years, as probably it may, the hon. Member will enlarge his experience on the subject, and he will find that a Committee of the Whole House, when in earnest upon great subjects, is no laughing matter. The hon. Baronet the Member for North Devon (Sir Thomas Acland) has addressed three questions to me which I hope I have taken down correctly. In the first place, he asks me whether the Nonconformists are to be excluded from the management of the schools generally. To that question my answer is that there was never any intention on the part of Her Majesty's Government that the Nonconformists should be excluded from the management of those schools. I believe that the draft of the original Bill as drawn by a very experienced gentleman who received instructions certainly not to draw up a measure calculated to produce an impression such as that entertained by hon. Members opposite, is quite satisfactory upon this point; but we have taken precautions, without in any way changing our ground, by the Amendment, or rather the addition of the Vice President of the Council, to prevent the possibility of any misunderstanding occurring upon this subject. Then, the hon. Baronet asks me, whether Nonconformist scholars were to be excluded from the benefit of exhibitions? We have no intention that they shall be excluded, and I believe that, under this Bill, every exhibition and every educational advantage will be equally open to all. The hon. Baronet's third question was, whether the Head Masters were to be compulsorily in Holy Orders. I see nothing in the Bill that would require that they should be. These are my answers to the hon. Baronet's three questions. On these three great

points we have debated two nights, and I only wonder that a third has not been devoted to the same purpose; and yet if we had gone into Committee on the Bill hon. Members opposite would not have had the slightest doubt of the intentions of the Government with regard to them. We have been told in the course of this debate that this Bill is a great mistake on the part of the Conservative party; and the hon. Member for Hackney (Mr. Fawcett), who brought the question forward, congratulated the country in Demosthenic terms on the fact that the action of the Conservative party with regard to this measure had re-organized the great Liberal party. I must say that if the only result of bringing forward this measure has been to re-organize the great Liberal party, I am extremely glad that it has been introduced, seeing that now there will be a chance of carrying on the business of the country with some credit. As far as material results are concerned, I can only say that the effect of the re-organization of the great Liberal party has been—that, though I supposed Her Majesty's Government were supported by a respectable and sufficient majority, since the re-organization of the great Liberal party several divisions have taken place, and I have found that our calculated majority has been exactly doubled. Notwithstanding the alarming peroration of the right hon. Gentleman the Member for Greenwich, I confess that I am not at all appalled by the prospect which opens upon this subject. I believe the Bill is a very good Bill. I believe that it is a very good Bill because we have availed ourselves of all the experience of our experienced Predecessors, and because we have added to that experience the results of our own observation and judgment. All the time that hon. Members opposite have been denouncing and deriding our efforts, they have, in fact, been attacking the legislation which they themselves devised, carried, and approved. We have seen remarkable incidents in the course of this debate. Our Bill has, without doubt, been received by hon. Gentlemen below the gangway on the other side of the House with some severe criticism. For instance, the hon. Member for Swansea (Mr. Dillwyn), who is always ready to criticize anything, has criticized it; but he took every opportunity to as-

*Mr. Disraeli*



sure the House that it was not merely our Bill that he disapproves, but all the legislation on the subject under the late Government. Again, the hon. Member for the Denbigh Boroughs (Mr. Watkin Williams), with a violent good humour which has a charm that is irresistible, rose to ban, but sat down blessing. He described minutely the character of our measure, which, he said, was exactly the measure that we ought to have introduced, that it did us honour, and that what he disapproved particularly were the measures which had been brought forward by the leaders of the party to which he belongs. After this brilliant debate, the character of which I entirely understand, but which I know very well has been no more occasioned by the Endowed Schools Bill than the eccentric light which is now flaming in the heavens, I can perceive that this is an admirable occasion for reorganizing the great Liberal party. They have succeeded entirely in their object—at least, they tell us so—and I most sincerely congratulate them. The Session will, therefore, close by the re-organization of the great Liberal party on the one hand, and on the other by the Conservative party doubling their majority. That will be the result of the Session. There has been one part of these discussions to which I have listened with that pain which hon. Gentlemen on both sides have expressed, and that is with regard to the late Commissioners. I cannot boast of an intimate friendship with the noble Lord at the head of that Commission (Lord Lyttelton), but I know him to be a distinguished gentleman, an eminent scholar, an amiable man, an ornament to society, and respected by all who know him. But when I am told the Government have not behaved in a proper manner to that Commission, I can only say that on such a point the Government must be ready to take the responsibility, and that they must be the best judges of the course which it is their duty to pursue. No one would wish to terminate easily a connection with the distinguished men who formed the late Commission; but there may be reasons which, on the whole, must influence those who have the painful office of deciding in these matters. I do not impute any fault to either, but there have been two parties who did not agree—the Commissioners

and the trustees; and the consequence was that, never agreeing—[“Oh!”]—I do not blame the Commissioners, or give an opinion upon the conduct of the trustees, but if you find that Commissioners who have certain duties to perform and trustees who are in a certain position do not work together, you may respect them both, but a responsible Minister must see that the work of the country is done. The progress of the Commission has not been of a satisfactory character. The work has not proceeded with that decision and promptitude which one could have desired, and one of the provisions of this Bill, if the House should sanction it, is that the whole of the endowed schools shall be examined and settled in the course of five years. Now, Sir, we thought it expedient that these duties should be delegated to the Charity Commissioners. That proposal has occasioned a good deal of criticism in this House, and one Gentleman to-night, the hon. Member for North Devon (Sir Thomas Acland), has asked—“What are the Charity Commissioners?” He says they are a mere delegation of the Court of Chancery, and not persons to be intrusted with these duties. Now, I have got here the Report of the Schools Inquiry Commission—a volume of great interest, which touches all the points connected with these matters, and I would recommend it to the attention of those who have not had much experience of Committees of the Whole House. They say—

“The Charity Commissioners have already acquired so much experience in dealing with schools, and by the general assurance of the evidence we have received have used that experience so well, that in all probability they would avoid many mistakes that would be inevitable in the operations of a new Commission.”

A higher and more deserved testimony of admiration was never offered to a body of public men. And by whom was it offered, and by whom was that Report signed? By Lord Taunton, Chairman of that Commission, and long a Member of this House; by Lord Lyttelton, W. F. Cooke, F. Temple, Anthony Thorold, Thomas Dyke Acland, junior, and W. E. Forster. I think we may really rest the policy which the Government has recommended, and proposes to follow in this Bill, upon the documents which I have just read. I

have now touched upon the principal points which have been noticed in this debate. I must sum up again by expressing my opinion—and I believe that when we are cooler it will be the general opinion—that we have been debating points which ought to have been debated in Committee; that every exception that has been urged is susceptible of explanation or amendment. To suppose that a measure of this kind is to be introduced in a state of perfection to the House, that it should be an exception to all Bills of the kind that have ever been introduced, that it cannot be improved in Committee is absurd, unreasonable, and not to be desired. I trust the House will consent to go into Committee, and I believe that when our labours on this Bill have been terminated, they will give satisfaction to the country.

Question put.

**The House divided :—Ayes 262; Noes 193 : Majority 69.**

**A YES.**

Adderley, rt. hn. Sir C.  
 Agnew, R. V.  
 Alexander, Colonel  
 Allen, Major  
 Allsopp, S. C.  
 Anstruther, Sir W.  
 Archdale, W. H.  
 Arkwright, A. P.  
 Arkwright, F.  
 Arkwright, R.  
 Ashbury, J. L.  
 Assheton, R.  
 Baggallay, Sir R.  
 Bagge, Sir W.  
 Balfour, A. J.  
 Ball, rt. hon. J. T.  
 Baring, T. C.  
 Barrington, Viscount  
 Barttelot, Colonel  
 Bates, E.  
 Bathurst, A. A.  
 Beach, rt. hn. Sir M. H.  
 Beach, W. W. B.  
 Beattie, Earl of  
 Bentinck, G. C.  
 Birley, H.  
 Boord, T. W.  
 Bourne, Colonel  
 Bright, R.  
 Brise, Colonel R.  
 Broadley, W. H. H.  
 Brooks, rt. hon. M.  
 Brooks, W. C.  
 Bruce, hon. T.  
 Bruen, H.  
 Buckley, Sir E.  
 Buxton, Sir R. J.  
 Callender, W. R.  
 Cameron, D.  
 Campbell, C.  
 Cave, rt. hon. S.  
 Cawley, C. E.  
 Cecil, Lord E. H. B. G.  
 Chapman, J.  
 Charley, W. T.  
 Christie, W. L.  
 Churchill, Lord R.  
 Clifton, T. H.  
 Clive, Col. hon. G. W.  
 Clowes, S. W.  
 Cobbett, J. M.  
 Cobbold, J. P.  
 Cole, hon. Col. H. A.  
 Corbett, Colonel  
 Cordes, T.  
 Corry, hon. H. W. L.  
 Corry, J. P.  
 Crichton, Viscount  
 Cross, rt. hon. R. A.  
 Cubitt, G.  
 Cust, H. C.  
 Dalkeith, Earl of  
 Deakin, J. H.  
 Denison, C. B.  
 Denison, W. E.  
 Dick, F.  
 Dickson, Major A. G.  
 Disraeli, rt. hon. B.  
 Douglas, Sir G.  
 Dowdeswell, W. E.  
 Dyott, Colonel R.  
 Eaton, H. W.  
 Egerton, hon. A. F.  
 Egerton, hon. W.  
 Elliot, Admiral  
 Elliot, G.

Elphinstone, Sir J. D. H.  
Emlyn, Viscount  
Eslington, Lord  
Estcourt, G. B.  
Ewing, A. O.  
Feilden, H. M.  
Fellowes, E.  
Finch, G. H.  
Floyer, J.  
Folkestone, Viscount  
Forester, rt. hon. Gen.  
Forsyth, W.  
Gardner, R. Richard-  
son.  
Garnier, J. C.  
Goddard, A. L.  
Goldney, G.  
Gordon, rt. hon. E. S.  
Gordon, W.  
Gore, J. R. O.  
Gore, W. R. O.  
Grantham, W.  
Greenall, G.  
Greene, E.  
Gregory, G. B.  
Guinness, Sir A.  
Halsey, T. F.  
Hamilton, I. T.  
Hamilton, Lord G.  
Hamond, C. F.  
Hardcastle, E.  
Hardy, rt. hon. G.  
Hardy, J. S.  
Hurvey, Sir R. B.  
Hay, rt. hn. Sir J. C. D.  
Heath, R.  
Henley, rt. hon. J. W.  
Herron, E.  
Hervey, Lord A. H.  
Hervey, Lord F.  
Heygate, W. U.  
Hildyard, T. B. T.  
Hogg, Sir J. M.  
Holford, J. P. G.  
Holmesdale, Viscount  
Holt, J. M.  
Home, Captain  
Hood, Captain hon. A.  
W. A. N.  
Hope, A. J. B. B.  
Hubbard, E.  
Hubbard, J. G.  
Hunt, rt. hon. G. W.  
Isaac, S.  
Jenkinson, Sir G. S.  
Johnson, J. G.  
Johnstone, H.  
Johnstone, Sir F.  
Jolliffe, hon. S.  
Karslake, Sir J.  
Kavanagh, A. MacM.  
Kennard, Colonel  
Kennaway, Sir J. H.  
Knight, F. W.  
Knightley, Sir R.  
Knowles, T.  
Lacoe, Sir E. H. K.  
Learmonth, A.  
Lee, Major V.  
Legard, Sir C.  
Legh, W. J.  
Leigh, Lt.-Col. E.  
Lennox, Lord H. G.  
Lewis, C. E.  
Lewis, O.  
Lindsay, Col. R. L.  
Lloyd, S.  
Lloyd, T. E.  
Lopes, Sir M.  
Lowther, J.  
Macartney, J. W. E.  
Mahon, Viscount  
Majendie, L. A.  
Makins, Colonel  
Malcolm, J. W.  
Manners, rt. hn. Lord J.  
Marten, A. G.  
Maxwell, Sir W. S.  
Mellor, T. W.  
Milles, hon. G. W.  
Mills, A.  
Mills, Sir C. H.  
Monckton, F.  
Monckton, hon. G.  
Montgomerie, R.  
Morgan, hon. F.  
Morgan, hon. Major  
Mowbray, rt. hn. J. R.  
Mulholland, J.  
Naphten, A. R.  
Neville-Grenville, R.  
Nowdegate, C. N.  
Newport, Viscount  
Noel, rt. hon. G. J.  
North, Colonel  
Northcote, rt. hon. Sir  
S. H.  
Onslow, D.  
Paget, R. H.  
Parker, Lt. Col. W.  
Peck, Sir H. W.  
Peel, rt. hon. Sir R.  
Pell, A.  
Pelly, Sir H. C.  
Pemberton, E. L.  
Percy, Earl  
Phipps, P.  
Pim, Captain B.  
Plunkett, hon. D. R.  
Plunkett, hon. R.  
Polhill-Turner, Capt.  
Powell, W.  
Præd, H. B.  
Price, Captain  
Puleston, J. H.  
Raikes, H. C.  
Read, C. S.  
Repton, G. W.  
Ripley, H. W.  
Ritchie, C. T.  
Round, J.  
Ryder, G. R.  
Sackville, S. G. S.  
Salt, T.  
Sanderson, T. K.  
Sandon, Viscount  
Sclater-Booth, rt. hn. G.  
Scott, Lord H.  
Scott, M. D.  
Scourfield, J. H.  
Selwin - Ibbetson, Sir  
H. J.  
Sidebottom, T. H.  
Simonds, W. B.  
Smith, A.  
Smith, F. C.

*Mr. Disraeli*

, S. G.  
 , W. H.  
 st, P. B.  
 set, Lord H. R. C.  
 , Mr. Serjeant  
 rd, V. F. Benett-  
 pe, hon. E.  
 pe, W. T. W. S.  
 y, hon. F.  
 y, L. R.  
 s, J. P. C.  
 , L.  
 rt, M. J.  
 , G.  
 H. G.  
 , C.  
 , J. G.  
 ; rt. hn. Colonel  
 asche, W. F.  
 J.  
 yne, J.  
 r, Lord A. E. Hill-  
 r, C.  
 s, E.

Twells, P.  
 Vance, J.  
 Wallace, Sir R.  
 Walpole, hon. F.  
 Walpole, rt. hon. S.  
 Ward, M. F.  
 Welby, W. E.  
 Wellesley, Captain  
 Wells, E.  
 Wethered, T. O.  
 Wheelhouse, W. S. J.  
 Whitelaw, A.  
 Williams, Sir F. M.  
 Wilmot, Sir H.  
 Wilmot, Sir J. E.  
 Wolff, Sir H. D.  
 Wynn, C. W. W.  
 Yarmouth, Earl of  
 Yorke, hon. E.  
 Yorke, J. R.

TELLERS.  
 Dyke, W. H.  
 Winn, R.

NOES.

l, Sir T. D.  
 , rt. hon. W. P.  
 r, Sir J. H.  
 son, G.  
 rther, Sir R.  
 bus, Sir E.  
 r, hon. E. M.  
 ouse, E.  
 ur, Sir G.  
 y, A. C.  
 y, J. W.  
 A.  
 M. T.  
 t, F.  
 ont, Major F.  
 ont, W. B.  
 lph, M.  
 rhaassett, R. P.  
 ow, H. W. F.  
 s, W. E.  
 we, S. B.  
 lehurst, W. C.  
 en, A.  
 t, A. H.  
 , rt. hon. Lord E.  
 T.  
 on, C.  
 cell-Bannerman,  
 rton. hn. Col. W.  
 ight, W. C.  
 T.  
 dish, Lord F. C.  
 rick, D.  
 ers, Sir T.  
 as, rt. hon. H.  
 t, J. C.  
 d, C. O.  
 H. T.  
 ooks, Sir T. E.  
 s, E.  
 z, J. J.  
 gham, Lord F.  
 t, J.  
 C. O.  
 t, J.

Cowen, J.  
 Cross, J. K.  
 Dalway, M. R.  
 Davies, R.  
 Digby, K. T.  
 Dilke, Sir C. W.  
 Dillwyn, L. L.  
 Dixon, G.  
 Dodds, J.  
 Dodson, rt. hon. J. G.  
 Downing, M'C.  
 Duff, M. E. G.  
 Earp, T.  
 Edwards, H.  
 Egerton, Adm. hon. F.  
 Errington, G.  
 Evans, T. W.  
 Fawcett, H.  
 Ferguson, R.  
 Fitzwilliam, hon. C.  
 W. W.  
 Fletcher, I.  
 Foljambe, F. J. S.  
 Forster, Sir C.  
 Forster, rt. hon. W. E.  
 Foster, W. H.  
 Fothergill, R.  
 Gladstone, rt. hn. W. E.  
 Gladstone, W. H.  
 Goldsmid, Sir F.  
 Goldsmid, J.  
 Goschen, rt. hon. G. J.  
 Gourley, E. T.  
 Gower, hon. E. F. L.  
 Gray, Sir J.  
 Grey, Earl de  
 Grieve, J. J.  
 Hankey, T.  
 Harcourt, Sir W. V.  
 Harrison, C.  
 Harrison, J. F.  
 Havelock, Sir H.  
 Hayter, A. W.  
 Hill.

Holms, W.  
 Howard, hon. C. W. G.  
 Ingram, W. J.  
 Jackson, H. M.  
 James, Sir H.  
 James, W. H.  
 Jenkins, D. J.  
 Jenkins, E.  
 Johnstone, Sir H.  
 Kay - Shuttleworth,  
 U. J.  
 Kensington, Lord  
 Laing, S.  
 Lambert, N. G.  
 Laverton, A.  
 Law, rt. hon. H.  
 Lawrence, Sir J. C.  
 Lawson, Sir W.  
 Leatham, E. A.  
 Leeman, G.  
 Lefevre, G. J. S.  
 Leith, J. F.  
 Lloyd, M.  
 Lorne, Marquis of  
 Lowe, rt. hon. R.  
 Lush, Dr.  
 Macdonald, A.  
 Macgregor, D.  
 Mackintosh, C. F.  
 M'Arthur, A.  
 M'Arthur, W.  
 M'Lagan, P.  
 M'Laren, D.  
 Martin, J.  
 Melly, G.  
 Milbank, F. A.  
 Mitchell, T. A.  
 Monck, Sir A. E.  
 Monk, C. J.  
 Moore, A.  
 Morgan, G. O.  
 Morley, S.  
 Mundella, A. J.  
 Muntz, P. H.  
 Mure, Colonel  
 Nevill, C. W.  
 Noel, E.  
 Nolan, Captain  
 Norwood, C. M.  
 O'Brien, Sir P.  
 O'Callaghan, hon. W.  
 O'Donoghue, The  
 O'Gorman, P.  
 Peel, A. W.

Pender, J.  
 Pennington, F.  
 Perkins, Sir F.  
 Phillips, R. N.  
 Playfair, rt. hn. Dr. L.  
 Plimsoll, S.  
 Portman, hn. W. H. B.  
 Potter, T. B.  
 Price, W. E.  
 Ramsay, J.  
 Rathbone, W.  
 Reed, E. J.  
 Reid, R.  
 Richard, H.  
 Robertson, H.  
 Rothschild, N. M. de  
 St. Aubyn, Sir J.  
 Samuda, J. D'A.  
 Samuelson, B.  
 Seely, C.  
 Shaw, R.  
 Sheil, E.  
 Sherlock, Mr. Serjeant  
 Sherriff, A. C.  
 Simon, Mr. Serjeant  
 Sinclair, Sir J. G. T.  
 Smith, E.  
 Stafford, Marquis of  
 Stansfeld, rt. hon. J.  
 Stevenson, J. C.  
 Stuart, Colonel  
 Sullivan, A. M.  
 Swanston, A.  
 Synan, E. J.  
 Talbot, C. R. M.  
 Taylor, P. A.  
 Tracy, hon. C. R. D.  
 Hanbury-  
 Villiers, rt. hon. C. P.  
 Vivian, A. P.  
 Waddy, S. D.  
 Walter, J.  
 Waterlow, Sir S. H.  
 Whalley, G. H.  
 Whitbread, S.  
 Williams, W.  
 Wilson, C.  
 Wilson, Sir M.  
 Yeaman, J.  
 Young, A. W.

TELLERS.  
 Cavendish, Lord G.  
 Fitzmaurice, Lord E.

Main Question, "That Mr. Speaker do now leave the Chair," put, and agreed to.

Bill considered in Committee.

(In the Committee.)

MR. FAWCETT moved that the Chairman do report Progress.

MR. DISRAELI : I have no objection to Progress being reported. I would fix the Committee for to-morrow.

Motion agreed to.

Committee report Progress; to sit again To-morrow.

## POLICE FORCE EXPENSES BILL.

(*Mr. Raikes, Mr. Secretary Cross, Mr. William Henry Smith.*)

[BILL 211.] COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."—(*Mr. W. H. Smith.*)

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "this House, will, To-morrow, resolve itself into the said Committee,"—(*Mr. Fawcett.*)—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Amendment, by leave, *withdrawn.*

Main Question, "That Mr. Speaker do now leave the Chair," put, and agreed to.

Bill considered in Committee.

(In the Committee.)

Clause 1 (Short title).

Mr. FAWCETT moved that the Chairman report Progress.

Motion made, and Question put, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. Fawcett.*)

The Committee divided:—Ayes 18; Noes 61: Majority 43.

Bill reported, without Amendment; to be read the third time upon *Thursday*.

House adjourned at a quarter after Two o'clock.

## HOUSE OF COMMONS,

*Wednesday, 22nd July, 1874.*

MINUTES.]—RESOLUTION IN COMMITTEE—Royal Irish Constabulary and Dublin Metropolitan Police [Expenses] \*.

SELECT COMMITTEE—Report—Boroughs (Auditors and Assessors) [No. 321.]

PUBLIC BILLS—Ordered—First Reading—Regimental Exchanges \* [221]; Great Seal Offices \* [223]; Fines Act (Ireland) Amendment [222].

Committee—Endowed Schools Acts Amendment \* [187]—R.P.

Considered as amended—Third Reading—Infants Contracts \* [164], and passed.

Report—Tramways Provisional Orders Confirmation \* [182-220].

Third Reading—Public Health (Ireland) \* [218], and passed.

Withdrawn—Friendly Societies (re-comm.) [181]; Archbishops and Bishops (Appointment and Consecration) \* [56]; Registration of Firms \* [42].

COAL MINES—THE EXPLOSION  
AT WIGAN.—QUESTION.

Mr. MACDONALD asked the Secretary of State for the Home Department. If his attention has been called to another explosion that took place on the 18th in a mine near Wigan; and, whether it is the intention of the Government to order that a full inquiry be made to ascertain the real cause of that explosion?

Mr. ASSHETON CROSS, in reply, said, that his attention had been called to the explosion referred to, and that the Inspector of the district had, as usual, immediately made a Report to him, in which he stated that, owing to the shortness of the time which had elapsed since it had occurred, he was unable thoroughly to examine the mine, because the remnants of the accident had not been cleared away. He was afraid the deaths caused by it amounted to nearly 15, and as soon as the mine was in a fit condition to admit of further inquiry, the Inspector would proceed with his examination and would send in a fuller Report. As soon as that Report was received it would be for the Government to consider whether any special action should be taken upon it. In any case the matter would not be lost sight of.

ARMY—ADJUTANTS OF YEOMANRY.  
QUESTION.

Mr. FRANCIS MONCKTON asked the Secretary of State for War, If it is the case that Adjutants of Yeomanry, who act as Quartermasters in addition to their other duties, receive only 10s. a-day, while the Adjutants of Volunteer Light Horse receive 15s. 3d.; and, if so, if he is prepared to take any steps to remedy such an anomaly.

Mr. GATHORNE HARDY, in reply, said, there was no doubt such a difference of pay as that referred to in the Question, although the figures mentioned by the hon. Gentleman did not exactly represent the state of the case, as there was no reference to lodging money and other allowances. The whole

subject, he might add, was under consideration.

# **FRIENDLY SOCIETIES (re-committed) BILL.**

[BILL 181.] COMMITTEE.

(*Mr. Chancellor of the Exchequer, Mr. Secretary Cross, Mr. William Henry Smith.*)

ORDER DISCHARGED. BILL WITHDRAWN.

Order for Committee read.

THE CHANCELLOR OF THE EXCHEQUER, in moving that the Order for going into Committee on the Bill be discharged, said, that the measure had been re-cast, in accordance with the views of the House, was now being printed, would shortly be circulated, and would, he hoped, be re-introduced next Session. He wished to add a few words by way of redeeming a promise which he had made to the Prudential Assurance Company. The Report of the Royal Commission contained certain remarks on the practice of that company, of issuing policies which were worthless for want of insurable interest. The Directors having had their attention called to the statement, applied to the Government, and stated their belief that there really were insurable interests in those cases to the extent of the funeral money, which was the limit of the insurance. They further expressed their wish to be allowed to bring in a Bill to make the law clear on the point and to legalize their proceedings. He thereupon informed them that it was the intention of the Government to introduce a measure on the general subject of friendly societies, and that it would contain a clause dealing with the point in question. Satisfied with that answer, the Directors did not proceed with a Bill of their own, and he had introduced a clause into the Bill of the Government to meet the case; but, of course, that clause fell through with the measure itself. That being so, the company again applied to the Government to assist in carrying a Bill of their own; but he had informed them that there was no necessity for proceeding in the matter this Session. He had reason, he might add, to believe that the directors had acted entirely in good faith, and that there were arguments to be adduced in support of the view which they took on the subject, although he himself was of opinion that they were wrong. The right hon.

Gentleman concluded by moving the discharge of the Order.

Motion made, and Question, "That the Order for going into Committee on the said Bill be discharged:"—(*Mr. Chancellor of the Exchequer*):—put, and agreed to.

Bill withdrawn.

# **ENDOWED SCHOOLS ACTS AMENDMENT BILL—[BILL 187.]**

(*Viscount Sandon, Mr. Secretary Cross.*)

COMMITTEE.

Order for Committee read.

Bill considered in Committee.

(In the Committee.)

On Question "That the Preamble be postponed?"

MR. FAWCETT, in moving that the Chairman report Progress, said, he had not ever given a factious opposition to the Bill, nor did he mean to do so then; but he was certain, after attentively listening to the last two debates, and the debates of last week, that it was absolutely impossible for the House to proceed with the Bill. What he contended was, that the objects of the Bill, as stated on its introduction by the noble Lord the Vice President of the Council, were entirely different from the objects as stated on the previous evening by the Prime Minister. He would refer first of all to the speech of the Vice President, who was responsible for the Bill, and who should have told the House distinctly what he intended. The first statement of principle by the Vice President was in moving the second reading—and no one who knew the noble Lord would imagine for a moment that he would resort to anything like subterfuge, there was not a more candid or straightforward man in the House—on that occasion the noble Lord said that no responsible Minister would pretend to assert that the endowed schools were national schools, belonging to the nation and not to the Church. It was therefore evidently the noble Lord's intention that they should be given to the Church, and taken away from the nation. Again, he distinctly stated that he wished by the Bill to reverse the policy of the previous Acts; but the Prime Minister told the House the night before, that the Bill was not

to be a reversal, but a continuance of that policy. The Vice President of the Council, among several others, gave as a reason why he desired it to be a reversal, that at the time of the passing of the Act of 1869 the Conservative party were stunned, and had lost their nerve. Now, there was no other conclusion to be drawn from those words, than that they, in a moment of panic, accepted principles which they would not have accepted had they not been dazed and frightened. But that was not all. The noble Lord went on to say that he wished it to be understood that the great principle of the Bill was, that any school in which certain denominational emblems should be discovered, or denominational user within 100 years, should be treated as a denominational institution. It was evident, then, that there was in the mind of the Government, when they introduced the Bill, the distinction between denominational and undenominational schools, that the former should be brought under the operation of Clause 19 of the old Act, and that no one but a Churchman should be a Governor of those schools, and that children might be educated in them who would, nevertheless, be excluded from the scholarships and exhibitions. Such was the interpretation indeed, which had been put on the Bill by the Secretary of State for the Home Department and the Secretary of State for War, as well as by the Vice President of the Council. The first-named right hon. Gentleman, he might add, speaking of the dismissal of the Commissioners, had explained what were the charges against those Gentlemen. He said—"The charge I bring against the Commissioners is this, not that they have failed in their duty, but that they have misunderstood and misinterpreted the Act, and have made endowments more undenominational than they ought to have done." The House knew what was the Home Secretary's own interpretation; it was, that the great fundamental principle of endowments which had been left to the Church was that they should be used by the Church. There was thus a remarkable discrepancy between the official avowals of the previous week, and the statements made by the Prime Minister on the previous evening. The Home Secretary said that the Commissioners had misinterpreted the Act; but when

the Prime Minister discovered the real feeling of the country, and of a good many of his own party, he entirely altered his tone, and being asked why the Commissioners were to be dismissed said—not a word about misinterpretation or misunderstanding of the Act—but that they were to be dismissed, because they had incurred unpopularity with the trustees. That was an entirely different issue, and seemed to make it impossible to proceed with the Bill, and he thought he was justified in asking how the discrepancies to which he had called attention were to be reconciled, and in asking from the Government some clear statement of their views. There was another important consideration, and that was, that many hon. Members might have voted for the previous stages of the Bill through misconception. The House should also remember that a deep impression had been made on the previous evening by the speeches of the hon. Member for East Devon (Sir John Kenaway), and the hon. and gallant Member for West Sussex (Colonel Barttelot), who said they would not support the Bill, if it contained provisions which would deprive a single Nonconformist of the chance of getting a scholarship, or impose the necessity of taking Holy Orders on a single additional master. The Prime Minister, too, declared that it was not the intention of the Bill to deprive the children of Nonconformists of scholarships which they might win by competition, or to require that head masters should be in Holy Orders. That might not have been the intention of the Bill, but the Committee had to deal not with intentions, but with the clauses of the Bill. He did not believe that the clauses as they stood gave effect to the intention of the right hon. Gentleman. Under these circumstances, they had a right to ask the Government to take the Bill, and re-introduce it in a form which expressed their present and declared intentions. He accepted unreservedly the statement of the Prime Minister, that it was not intended to exclude Nonconformists from the Governing Bodies, or to impose the condition as to Holy Orders; but if these were the intentions of the Prime Minister, they would get into inextricable confusion if they proceeded to discuss a Bill on which such different interpretations had been placed.

*Mr. Fawcett*

Lawyers whose opinion he respected, had told him that the Bill, as at present framed, would inevitably exclude Nonconformists from scholarships and exhibitions, and that it would take some 300, 400, or 500 schools out of the operation of Clause 17 of the Act of 1869, and place them under Clause 19 of the Bill, whereby the necessity of the schoolmaster being in Holy Orders would be insisted on, notwithstanding the disclaimer of the Prime Minister. The Committee would see that he had good reason for making that observation, and that his opposition to the further progress of the measure was not factious.—[“Oh, oh!”] Well, hon. Members who cried “Oh” did not, it was quite clear, understand the gravity of the situation. He felt convinced that if the Bill were passed, it would inflict great injustice upon the education of the country. It was a Bill, therefore, of the utmost importance, for the question raised was nothing less than this—should these schools be national or be appropriated by the Church. The Government had not put a single Amendment on the Paper to dispel existing doubts. They would permit Nonconformists to enter the Governing Body and the schools; but what was wanted was right, not permission—rights for the Governing Body, rights for education, rights for scholarships and endowments. He wished further to observe that he was sorry the right hon. Gentleman should have thought proper to give expression to the taunt which he had thrown out the evening before, against those who objected to the Bill in the interests of education, which he said had no more to do with the debate than the Comet, thus probably expressing his own feelings. The opponents of the measure did not, however, much mind such taunts coming from a perplexed Minister and a confused Government; but he would like to ask the right hon. Gentleman what he would have said had a similar taunt been thrown out against himself and those who joined him in the great educational contest of last year? He would have said it was ungenerous and untrue, and it would not have been less so then than it was in the present instance. If he simply consulted the views of political partizans, he would not attempt to amend the Bill; but there was something in dealing with the sub-

ject of education infinitely higher than mere party considerations, and it was because he believed the Bill before the House would inflict great injury on the cause of education that he and those who acted with him felt they were justified in placing every obstacle in the way of its becoming law.

Motion made, and Question put, “That the Chairman do report Progress, and ask leave to sit again.”—(*Mr. Fawcett.*)

The Committee *divided*:—Ayes 62; Noes 82: Majority 20.

Preamble *postponed*.

Clause 1 (Transfer of powers of Endowed Schools Commissioners to Charity Commissioners).

MR. A. H. BROWN, in moving, as an Amendment, in page 1, line 25, to leave out from “passing of this Act,” to end of clause, and insert “continue in force for a period of five years from the date of passing of the Act,” said, the object of the Amendment was to continue the present Commissioners in office for that period, as they had done their work well, and each year they had published a larger number of schemes. They were appointed in 1869, and in 1870 they published 28 schemes; in 1871, 91 schemes; in 1872, 138; and in 1873, 122. They had thus had great experience in the work, and if their services were retained would probably be able to do more in the future than they had done in the past. Moreover, there were many schemes at present in process of formation, which would probably fall to the ground if the change proposed by the Bill was carried out. So far as the amount of work done by the Commissioners was concerned, there seemed no ground for bringing any charge against them, and the opposition which their proceedings had aroused was entirely due to the novelty of the principles which it had been their duty to apply, which principles were embodied in the Report of the Schools Inquiry Commission. But he ventured to say that as the country had gained more experience in the matter, the dread of the schemes of the Commissioners had greatly subsided, and generally speaking, the whole of the schools which had been touched by the Commissioners had been greatly improved. It should be remembered that the Commissioners had not only had a great deal of work to do,

but many difficulties to contend with, and the reason why they had not been able to proceed faster was the many interests involved or to be found in the novelty of the principles which they had to apply which in some cases—as, for instance, with regard to the Birmingham schools—had disturbed, various persons as it were, in their enjoyment of certain rights and privileges which they had hitherto had, and which they naturally endeavoured to retain. Then a large number of schools claimed to be “the good schools,” which, it had been said, had nothing to fear from the Act of 1869, and they wanted to be let alone, and for proof let him refer hon. Members to the evidence given by the witnesses before the Select Committee of last year which showed this point clearly. The Commissioners acted on the idea that the main object of the Endowed Schools Act was to improve the endowed schools and to make the endowments as conducive as possible to the education of all classes. Accordingly, as Lord Lytton stated, a great many classical schools, which did very little work and had very few boys, would be lowered and would receive a very large number of children of mechanics, and those very little above the working class, on whom no benefit was now conferred. On the other hand, some of a higher kind would possibly be attended by boys of a somewhat higher class than at present. The Commissioners further made it their business to deal with the endowments so as to provide a first-grade school where a first-grade school was wanted, and a second-grade school where a second-grade was wanted. He would not believe that the House would condemn these able gentlemen for endeavouring to extend education and for grading these endowed schools in order to increase their usefulness. Another cause of opposition was the difference of opinion which existed as to the share which girls ought to have in the benefits of the endowments, with regard to which, it had been found that there was a very general reluctance to diminish the amount of endowments available for boys in order to promote the interest of girls. On all these points to which he had referred—namely, giving a share of the endowment to girls, the grading of schools, and extending their usefulness, were points insisted on by the Schools In-

quiry Commission; and it was most unfair to blame the Endowed Schools Commissioners for acting upon the Report of the Schools Inquiry Commission which was to these gentlemen their guide, and contained the principles they were to follow. He had now referred to the reason which caused the unpopularity of this Commission and now he would turn to the question of the fitness of the Charity Commissioners to do their work. He held in his hand a copy of a Petition to that House, in which it was pointed out that the Charity Commissioners were more accustomed to deal with the rights of Corporative property than with educational matters. That he believed to be the true state of the case, and from it he contended that the Charity Commissioners would not be able to do the work which was to be thrown upon them, or to promote education, and that therefore, for the reasons which he had stated, the present Commissioners should be continued in office for the period mentioned in his Amendment, which he begged to move. In doing so, he thought it would be well that the Endowed Schools Commissioners should know who were their friends and the feeling of the House.

VISCOUNT SANDON said, he did not at all complain of the hon. Member for Wenlock (Mr. Brown) wishing to test the feeling of the House with regard to this change. At the same time, considering the matter had been discussed for three nights, he felt that he would not be justified in dwelling at length upon it. He would only quote some figures, by way of correcting those of the hon. Member, with regard to the schemes of the Endowed Schools Commissioners. There had been 800 grammar schools in the country to be dealt with, and in regard to 74 of them schemes had been passed, while as to 66 others there were schemes now in the Education Department or published, but still open to objection. That left 660 actually undealt with. There were 90 schemes at present in course of preparation, and deducting these also, the number of schools which remained untouched was 570. With regard to other endowed schools, the total number was 370; 89 schemes had been passed; 42 were in the Education Department, or published, but still liable to change; and 239 of the schools, therefore, were still undealt with. The number

*Mr. A. H. Brown*



of schemes in this class now being prepared was 50, and this left 189 of the schools untouched. These figures he had received from the Endowed Schools Commissioners themselves. He would not enter into the general question of the suitability of the present Commissioners as compared with the Charity Commissioners, as he thought the House would agree with him that the matter had already been sufficiently discussed in previous debates.

SIR WILLIAM HARCOURT said, he thought it curious that they should have been advised that the proper place to discuss this Bill was in Committee, and that they should then hear, directly on getting into Committee, a statement from the noble Lord the Vice President of the Council, that he would not intrude upon the time of the House by discussing the Bill. During the three nights' debate which had taken place upon the question, and which had been principally occupied by the explanations of hon. Members opposite, he had endeavoured, as quietly and silently as he could, to discover the reason why the Endowed Schools Commission was to be abolished. He was about to say that the Government had given no reasons. It would, however, be more true to state that it had given a great number of reasons, each of which, so flatly contradicted the other, that before the Bill passed into law, he believed the Government would have to give some much plainer and more satisfactory reason than had yet been advanced. The proposed change of *personnel* contained in the clause under notice was practically the root of the whole question connected with the Bill. Why were the present Commissioners to be dismissed? From speeches which had been made from the Treasury Bench, it appeared that it was not considered any part of the business of the Government to defend the Commissioners, the latter being the friends of hon. Gentlemen on the other side of the House, and not of the Government. That seemed to be one of the reasons why they were to be dismissed. Again, the Prime Minister had quoted a passage from the Report of the Endowed Schools Inquiry Commission, pointing to the desirability of intrusting the work connected with the schools to the Charity Commission, which knew something about the business, instead of appointing a new Com-

mission. But the present proposal was practically to appoint a new Commission, in the place of one which was thoroughly acquainted with the work. In point of fact the Commission was to suffer not because it knew too little, but because it knew too much, and in connection with the point, he would venture to say that what the Government proposed to do was a very grave matter, and one far beyond the question of the endowed schools. The principles upon which a responsible Government were to discredit and dismiss persons conducting a Department of the public service were of very serious importance. The Government had said that the Commission would terminate this year; but that was through their Friends in "another place" determining that eventuality. The right hon. Gentleman the Chancellor of the Exchequer had practically said—"We have got a new policy on these matters, and the new policy is so different from the old one, in regard to the Nonconformists and their relations to the Church, that it is absolutely necessary we should have a new set of people to work it." Were they going to introduce the American system of getting rid of every man holding an important office in the public service, whenever a new Government came into power, on the ground, that a new policy was going to be adopted which the old men could not be expected to work in accordance with? Were they going to introduce the principle adopted in France, by which every new Administration sent new Prefects into the country? If so, why should that policy be confined to one Department only; why should it not apply to all? It would be said, perhaps, that the Endowed Schools Commissioners were going to be dismissed because they were unpopular. But was that same principle also to be applied to other Departments of the service which might happen to be unpopular? With many persons, for example, the Commissioners of Inland Revenue might be very unpopular; but were they on that account to be dismissed? The Vice President of the Council, in his first speech with regard to the Bill, asserted that the Endowed Schools Commissioners "had been slain by the force of public opinion," that "they had been condemned by the opinion of the country." If that was the reason for the dismissal of the Commis-

sioners, were the Government prepared to produce the evidence on which they founded the allegation? In common with many others, he had heard the speech of the noble Lord on the second reading with very deep regret. The noble Lord said that he had lost his nerves in the last Parliament; but he (Sir William Harcourt) very much preferred the tone of the noble Lord in the last Parliament to his tone in the present one. There was a story of a man who was very friendly with a former Prince of Wales, but on indifferent terms with the Sovereign, and who, when he was reproached with that inconsistency, replied that he preferred the lion before his claws were grown. With regard to the noble Lord their experience of him was certainly less pleasant now that he was in power than it had been before. He had spoken of the Protestant Dissenters of England as belligerents whose interests it was his business to attack. [Viscount SANDON: I spoke of political Nonconformists.] He would ask whether the noble Lord himself was a political Churchman, and whether his speech the other night was the speech of a political or non-political Churchman? That speech squared very ill with the solemn warning of the Prime Minister the other day, that great events were before us, and that we ought to rally to the broad platform of the Reformation. Was the present attack on the Protestant Dissenters part of the plan for rallying to the broad platform of the Reformation? The language of the noble Lord seemed to show how subtle was the character of sectarian venom; for it was strange that it should have infected even his amiable and gentle character with the rancour with which his speech seemed to be filled. It was in that speech, rather than in the attempts which had been made to explain it, that they ought to read the true objects and motives of the present Bill. The Chancellor of the Exchequer did not say that the Commissioners acted contrary to the law which they had to carry out, but that they had acted in obedience to it. Then, why should they be dismissed? If the Commissioners had faithfully carried out the law which was in force, why should not credit be given to them that they would also faithfully carry out any law which might be passed on this subject with regard to the future? The Chancellor of the Exchequer had

further said that it was proposed the Commissioners should be removed, because the Government proposed that there should be a change in the law. That was the next difficulty, about which he (Sir William Harcourt) himself had felt very much embarrassed, because it was difficult to understand what the declarations of the Government were on that subject. Lastly, the right hon. Gentleman the Prime Minister had spoken in favour of the Bill, and had given it as an additional reason, that the removal was done in order to comply as far as possible with the wishes of the "pious founder." It appeared to him (Sir William Harcourt), from that speech, that they were going upon a sort of crescendo of denominationalism. In 1869 they passed a Bill respecting the will of the founder; in 1873 they extended that principle; and now, in 1874, it was proposed to extend it still further. In 1869, the pious founder; in 1873, the more pious founder; in 1874, the most pious founder. He held in his hand a copy of the instrument of the foundation of a certain school. In that instrument it was provided that the head master should be neither Popish nor Puritan; and that in the event of his assuming Holy Orders, his place was immediately to become vacant, "as though he were dead," the word "dead" being printed in capitals, because he (Sir William Harcourt) supposed, it was a capital punishment. The same "pious founder" also set forth that the master was not to be a smoker, a tippler, or a frequenter of public-houses, and that he was only to use Lillie's Grammar. He also provided that no poets should be read in the school but the ancient Greek and Latin poets, to the exclusion of "modern conceited authors." The House would see that, this school being founded in 1529, among the "conceited modern authors" whom it was proposed to exclude were William Shakespeare and Francis Bacon. Now, in a case like that, did they intend to respect the will of the pious founder? Of course not. What the Government meant by the pious founder was something that mirrored their own prejudices; something which enabled them to treat the endowed schools as fortresses and strong positions against the Nonconformists; something which gave effect to their own sectarian passions,

*Sir William Harcourt*

and therefore it was that they were going to appoint Commissioners who would disregard the will of the founder in every instance which did not touch denominationalism, while they would stick like leeches to every scheme which would enable them to give effect to their own sectarian views. The Prime Minister had dismissed the great question as to why the Commission was to be dismissed in a very gracefully easy way. He did not blame the trustees, he did not blame the Commissioners; but it was his duty to see who was to blame in the matter. It was the duty of the Commissioners to reform the trustees, and he (Sir William Harcourt) could not wonder that they did not get on well together. It was no part of the business of the Commissioners to get on well with the trustees. The question was as to whether their conduct had been right or wrong, and upon that the right hon. Gentleman had not expressed an opinion. It appeared that with regard to vested abuses, the Commissioners did not make any concession, and that they did not flatter the trustees, over whom the law had given them control. Was it right, then, that these Commissioners should be dismissed because they had disapproved the conduct of the trustees of these schools? Some of these trustees had shown by the management of the trusts confided to them, that they would prefer to see 12 boys in a school of which they had been appointed trustees, elected scholars of that school, than to see 300 or 400 scholars in it who were elected scholars thereof without the system of nomination. If, however, the Government were going to appoint men who were going to get on well with the trustees, the trustees would pay no attention to them, but would turn round and tell them that the Government had dismissed the Endowed Schools Commissioners for meddling with them. It was a Commission to act *in terrorem* under the possible displeasure of the trustees. There was little doubt that this new Commission and the trustees would get on together like a house on fire; but, practically, they might as well let the whole thing go for any work that could be done under such an arrangement. This Bill, combined with the substitution of the Charity Commissioners, had two objects. The first was to enable the noble Lord the Vice President of the

Council to carry on his war with political Dissenters—["Oh, oh!"]—well, if hon. Members liked the term better, he would say belligerents; and the second was, that the Commission should get on well with the trustees, who should not interfere too rudely with existing interests. This was Conservative re-action with a vengeance, but he might remind the Committee that it had also been admitted by the Prime Minister last evening that this was the commencement of a Liberal re-action. The Prime Minister had said that since the great Liberal party had been re-organized, the Conservative calculated majority had been exactly doubled. If that were so, judging from the division which immediately followed the statement, the exact Conservative calculated majority was thirty-four and a-half, and he had some curiosity to know who was the hon. Member of the Conservative party who was honoured by being reckoned as a half. The majority on that division was smaller than on the second reading, and if they could judge by the division of that morning, it was growing smaller still. In conclusion, he would contend that the dismissal of the Commissioners would not tend to advance the cause of education, and that the provisions of the Bill would simply extend the denominational system, and protect evident abuses on the part of the trustees of endowments.

MR. NEVILLE-GRENVILLE said, that odd as it might appear after the speech to which they had just listened, he should confine himself to the question before the House. Personally he would rather trust the execution of the provisions of the Bill to the old Commissioners, if they had been continued, than to the new; but at the same time, he must express his opinion that even if the Commissioners had been free from blame with regard to the administration of these trusts, the Government would have been blamed if they had proposed that they should continue to carry on the work of Commissioners of Endowed Schools. His reason for thinking so was, that Nonconformist Members on the Opposition benches would have found fault with the manner in which they dealt with the schools, and even with the religious opinions of the Commissioners themselves. There were in England 146 denominations, and it was found that the

members of the Endowed Schools Commission belonged to only one of those denominations—a condition of things at which certain Nonconformists were dissatisfied. For that reason he thought the course which had been proposed by the noble Lord the Vice President of the Council should be adopted.

MR. MELLAY, as a Nonconformist, said, Dissenters had found fault with the existing Commissioners because they believed them to be too partial to the Church of England. How much more would they object to the new men who were to be less impartial and more in favour of the Church than the former? He believed the reason why it was proposed to dismiss the existing Commissioners was that they could not be trusted to job sufficiently for the Church party. They were to be dismissed because they had shown by their decisions in questions connected with the administration of these schools that they would admit Nonconformists as well as members of the Church of England to enjoy the benefits which the founders of these institutions had conferred upon the nation. The Act of 1869 was also to be altered because, unjust, unfair, and exclusive as it already appeared to the Nonconformists, it was not sufficiently so to please the Church party.

MR. RITCHIE said, there could be no doubt that a feeling existed in the country that the Endowed Schools Commissioners had not been acting in accordance with the spirit of the Act of Parliament, and that in consequence they had come very much into collision with the trustees, and so caused the schools to be less efficient than they otherwise would be. In taking as their principle the carrying out the wishes of the pious founders, the Government were only doing that which they were bound to do. He thought the speech of the hon. and learned Gentleman the Member for the City of Oxford was totally inappropriate to the clause under consideration, relating, as it did, to the appointment of Commissioners. It was necessary either that the old ones should be continued or new ones appointed, and the question was, whether the old Commissioners had given such satisfaction as would justify the Government in continuing them in their present position. He approved of the course proposed of appointing a Commission already exist-

ing, which not only enjoyed the confidence of the country, but of some of those hon. Gentlemen who were Members of the Endowed Schools Inquiry Commission. The right hon. Member for Greenwich, in speaking of the new Commission said, that if he could only understand that the Charity Commissioners were willing to undertake the duty, his objections would be almost entirely removed. But when the Chancellor of the Exchequer read a letter showing their willingness to accept the authority, he was assailed by the remark that the Government were carrying on a secret correspondence with the Charity Commissioners with the view of overthrowing the Endowed Schools Commissioners. As to what had been said of the trustees of these foundations, he wished to express his belief, founded on his experience of the way in which the trustees of a school in his own neighbourhood executed the task imposed on them, that there was no foundation for the imputation cast upon them by the hon. and learned Member for the City of Oxford—that some trustees would prefer to see 12 scholars instead of 300 or 400 in a school whose trusts they had to administer, where an altered state of things would now justify the teaching of 300 or 400, instead of 12 children, the number named in the will of the founder. He believed that in such matters, the great majority of trustees were as honourable as the Commissioners whom Parliament had appointed to see to the faithful carrying out of the intentions of “pious founders.” Nothing would induce him to support the Bill, if he believed that its object was to shut out Nonconformists from the advantages which in justice they were entitled to derive from foundations of that nature, or to restrict the master-ships in these schools to gentlemen in Holy Orders.

MR. KAY-SHUTTLEWORTH said, it seemed that the clause was to be supported by the Government, because of the alleged unpopularity of the Commissioners, but he thought that had been disposed of by the hon. and learned Member for the City of Oxford. It was considered that the trustees were generally people who were very anxious to promote education; and that it was very desirable the Commissioners entrusted with the execution of these re-

*Mr. Neville-Grenville*

forms should get on well with them. In answer to that, it was not likely that the Endowed Schools Commissioners could get on well with the trustees of endowed schools where the intentions of the founder were being violated. He thought, however, that they ought to be chary of losing the services of men who had acquired valuable information and performed great services, and he very much questioned whether the new Commissioners would be able to get through the work in five years. The Committee of last year recognized that there was some cause of complaint against the Endowed Schools Commissioners, but they traced the complaint to the right source—the expressed and published opinions of some of the Commissioners; and as a Member of the Committee in question, he could say that in the published opinions of Mr. Hobhouse were to be found the source of very much of the complaint that had been made. That gentleman was no longer a member of the Commission, and it was not right to visit upon these three gentlemen the consequences of what had been written by their colleague years ago. Was that House to respect nothing except vested interests? He thought it would have been perfectly possible for the Government to have exercised a very considerable control over the old Commissioners within the limits of the Act of 1869. He appealed to them whether it would not be the best policy, on educational grounds, to continue the Endowed Schools Commissioners in office, and endeavour to make the best of them, an addition being made to their present number. The Endowment Commissioners had been called the friends of hon. Gentlemen on the Liberal benches by hon. Members opposite, though why he could not tell, because by none had they been so abused as by the Nonconformists and members of the Birmingham League. He had opposed the Bill with great pain, because he was grieved to see this question become the battlefield of party. To remove that danger, he could see only one remedy, and that was for the Government to say that if the hon. Member for Wenlock (Mr. Brown) would withdraw his Amendment they would withdraw the Bill. The Amendment would give rise to much discussion, and unless the course

he suggested were adopted, the Bill would probably prove the means of saving the lives of many grouse on the Scotch and Yorkshire moors.

MR. GOLDNEY said, that the last sentence of the speech of the hon. Member showed that his object was simply to delay the passing of the Bill.

MR. KAY-SHUTTLEWORTH desired to explain. He had risen not to delay the Bill, but to suggest its withdrawal to the Government; and in his reference to the delay that might otherwise ensue, he had indicated no intention of his own, but had referred to the course which might possibly be taken by other hon. Members.

MR. GOLDNEY said, that as he had understood, the hon. Gentleman had intimated that unless the Bill were withdrawn the House might continue sitting until the 12th of August. The tendency of the hon. Gentleman's remarks was to disparage the Charity Commissioners and to laud the Endowed School Commissioners, who had rendered themselves unpopular throughout the country, and had caused alarm to trustees in every direction by declaring their inability to understand Clauses 19 and 24 of the Act of 1869. The Bill was introduced in a conciliatory spirit, and in accordance with the general views and principles of the Government, and for the purpose laid down in a former Session by the right hon. Gentleman the Member for Bradford, for that right hon. Gentleman did not, when he legislated upon this question, in any way disparage the Charity Commissioners; it was to them he looked for the ultimate working of the scheme. The Bill of 1869 was brought in as a temporary measure; and, in the interval, it was expected that by the adoption of a system of elementary education for the country, there would be more means of considering whether it would be necessary at the expiration of three or four years to make any change in the Endowed Schools Commission. The Commissioners commenced their work in a spirit of hostility very different from what was expected, and it was admitted in the Committee that the Commissioners had taken a different view of the Act and their duties than the House of Commons had expressed in words. If it were true that the Endowment Commissioners had given universal satisfaction, how was it

that the Select Committee of 1873 came to be appointed? The proposal of the Government was not to take any new Body, but to hand the matter over to Commissioners who had already under the existing Act great power and control over many of those schools; and he believed that after the explanations given by the Government with respect to the unsectarian character of the Governing Bodies, in which it was quite clear that there was no intention of giving any pre-eminence to the Church of England over the Nonconformists, and the clause which was to be moved by the noble Lord the Vice President of the Council, it was impossible to urge with any show of reason that the Charity Commissioners would not do their work efficiently and well. He regretted that the Bill had been opposed in a party spirit, in the hope of obtaining political capital, instead of being accepted as a measure of necessity for the more beneficial object of improving the endowed schools.

Mr. WHALLEY said, he could not support the Amendment, because he felt convinced that it was in the interest of the public service that these duties should be transferred to the Charity Commissioners. Having been a Charity Commissioner himself, he could confirm the statements in the letter of Sir John Hill, which he thought was conclusive on the point. As a Churchman desirous of maintaining the Established Church, however, he earnestly appealed to the right hon. Gentleman at the head of the Government to remove from Churchmen the disgrace of attempting to carry their doctrines into the schoolroom, whilst they had their pulpits for such purposes. The reason he did so was, that it was clear to all who chose to look, that some of the clergy of the Church of England had followed the example of their great prototype at Rome, by seizing upon educational endowments for the purpose of impressing upon the young their creed and dogmas.

Mr. NEVILLE-GRENVILLE rose to Order, and asked whether the remarks of the hon. Member were relevant to the question before the Committee.

THE CHAIRMAN said, he failed to see any connection between the subject upon which the hon. Member for Peterborough was entering and the question before the House, which was as to the advisability of transferring the powers

of the Endowed Schools Commissioners to another body.

Mr. WHALLEY declared that Churchmen were ashamed of their Church because of these squabbles about education.

Mr. WHITWELL, who rose amid loud cries of "Divide," said, that if hon. Members below the gangway insisted upon a division before the question had been fully discussed, the only course open for him to take would be to move to report Progress. With regard to the Endowed Schools Commissioners, he held that that Body showed that they still possessed great vitality. It was, therefore, undesirable to appoint other Commissioners in the place of those who were now discharging the duties of the Endowed Schools Commission, thereby condemning their past conduct. They had hitherto acted in harmony with the Educational Department of the Government; and it was an unfortunate thing that they were about to be superseded on a point that affected the interests and feelings of the people on a most vital question. He trusted that the noble Lord opposite would feel that common justice was due to the gentlemen who composed the Commission, and the country would certainly demand a greater cause of accusation against them than had been alleged. It was not a matter of endowment, but of education, and he deprecated the introduction of religious prejudice into it. It was a matter of which a Minister of Education should have the control, and he hoped that for another year, at least, the present Commission would be continued. He suggested that if a change was made, it should be one which would place the Commissioners more immediately under the control of the Education Department, which was directly represented in that House, and not transfer their powers to the Charity Commissioners.

Mr. LOCKE said, that the proposal of the Bill was, that those Endowed Schools Commissioners should be put an end to. He thought they should have been put an end to last year. He considered that they ought not to have laid down one inflexible rule, when a new scheme for a school was settled, that all the existing Governing Body of the school should be put on one side. For instance, supposing a Governing Body

had for centuries done their duty, and they were 30 in number, the Commissioners would not be satisfied without reducing them to seven, and appointing six more themselves. He had no confidence in those Commissioners, nor had the House, else why should there have been a Select Committee sitting week after week, and the Commissioners giving evidence before them? He had heard from a Member of that Committee that there could not have been men less fitted to discharge the duty with which they were entrusted. [MR. KAY-SHUTTLEWORTH: Name.] It was not necessary to tell who he was; he was not now a Member of the House, but was one who sat on that (the Opposition) side. He (Mr. Locke) believed in consequence of the speech which fell last year from the right hon. Gentleman the Member for a place near the waterside, who was then Premier, his party lost three seats in the City of London. They lost three seats and they kept one, and the hon. Gentleman who filled that one was, he believed, going to make a speech in favour of the Commissioners. But one of the then Members for the City of London (Mr. Crawford), who had retired, was not in their favour; he said at the time that the Liberal party would rue the course they had taken with respect to them; that they would lose three seats in the City of London, and so they had. Why should the House be anxious to retain the Commissioners, as if they were the only three men in the world fitted to carry on that business? They had given no satisfaction during their term of power. He proposed a clause to set the matter right—it was the mildest clause ever put into a Bill—to the effect that the Commissioners should be directed not to do away with the Governing Body, unless it could be shown that they conducted themselves improperly, and yet the right hon. Member for Bradford opposed him, and obtained a majority, 100 voting for his (Mr. Locke's) proposal, and 146 against it. That showed that even last year there was a strong feeling against the Commissioners. In fact, nobody admired them except those who had created them; and a more unpopular set of men had never been sent out for the performance of a public duty by that House. By sweeping them away, the House would confer a great benefit upon the

country, and would give satisfaction to all those who were brought in contact with them. His hon. and learned Friend (Sir William Harcourt) who was now coming in with a huge book, had said all that could be said in favour of those three Commissioners; but what had he stated that would lead the House to suppose that there was anything so wonderful in them? They had made everybody discontented, and therefore, though he said nothing about the other clauses of the Bill, he hoped the Committee would decidedly reject the Amendment.

MR. HARDCASTLE said, he would not have interposed in the discussion were it not that he was one of the trustees of a school for which a scheme had been prepared or rather suggested by the Commissioners. Those gentlemen proposed to make some alteration, such as that which had been alluded to by the hon. Gentleman who had just sat down—an alteration which he believed to be wholly unnecessary, and injurious to the trust, by infusing what they called “new blood” into the existing body of trustees. This school—the Manchester Grammar School—had attained a remarkable degree of importance from the fact that the right hon. Member for Greenwich devoted nearly half his speech last night to it. Evidently there had been some little anxiety on the part of the Nonconformist trustees as to the effect of the Bill upon them; but that anxiety appeared to have been suggested rather by political interests than by denominational alarm. In proof of that, he might mention that one of those gentlemen was stated to have said at a public meeting at the Westminster Palace Hotel, that he hoped this Bill might pass in its most objectionable form. The right hon. Member for Greenwich roused himself to the highest pitch of eloquence in describing the trustees of the Manchester Grammar School, one half of them Nonconformists and the other half Churchmen, to whose liberality the school was so much indebted. But in one respect the right hon. Gentleman was incorrect. The right hon. Gentleman stated, towards the end of his speech, that a large amount of money recently subscribed, mainly by the board of trustees themselves, was subscribed under the protection of the Act of 1869. These were

the words which the right hon. Gentleman used—

"Upon the faith of the legislation of 1869 these £50,000 were subscribed, partly by Churchmen, but yet more by Nonconformists. . . . I want to know how it is reconcilable with good faith, that we should pass an Act in 1869 which went forth like sunshine over the City of Manchester, and induced the people of that City to bring forth from their own treasures those large sums of money . . . and then to interfere by means of a Bill which would destroy the legislative sanction under which these funds were given."

Now, the fact was, the money was subscribed, in the main, prior to 1869. He (Mr. Harcastle) telegraphed early this morning to the solicitor for the charity, and he had received the following reply:—

"Langworthy's and the trustees' subscriptions announced April 8, 1868. Public appeal made April, 1869. Contract signed July following. Act nothing to do with raising the money for building."

As the right hon. Gentleman had made so much of that particular school, he felt bound to show that that ground was entirely cut from beneath the right hon. Gentleman's feet. The existing body of trustees consisted of an equal number of Nonconformists and Churchmen, and the trust had been worked with perfect harmony and the greatest possible benefit to the school. But how did the Commissioners propose to deal with the body? They felt it necessary that the popular element should be introduced, and suggested that certain members of the town council should be made *ex officio* members of the trust—a plan which would have a most depressing and deadening effect upon its welfare. One of the trustees had given £10,000 for the benefit of the trust, another had made large and liberal contributions; but did anyone ever hear of a town councillor putting his hand in his pocket, and doing a similar act of munificence for the town with which he was connected?

SIR HARCOURT JOHNSTONE said, he wished to say a few words in vindication of Canon Robinson. He had had an opportunity in many ways of witnessing the manner in which Canon Robinson had conducted very difficult functions, and he could say that as a clergyman of the Church of England and a schoolmaster, that gentleman was specially fitted for the work of the Endowed Schools Commission. While a Commit-

tee, of which the Archbishop of York, many eminent Churchmen, members of the Society of Friends, and hon. Gentlemen from both sides of the House and both Houses of Parliament were members, was sitting on the endowed schools of Yorkshire, they had great experience of Canon Robinson's services, and during all the time they were acting with that gentleman, he had shown the utmost respect for the feelings both of Churchmen and Nonconformists. If there was a man in the highest degree fitted for the work it was Canon Robinson, and he regretted that that gentleman was to be extinguished in the manner proposed by the Bill.

MR. SULLIVAN said, the Amendment now before the Committee, in reality, raised the whole question. He deemed it right to say so much at the outset, to anticipate the possibility of misapprehension as to some of the observations he meant to make. They were called upon in the clause before the Chair to sweep away the existing Endowed Schools Commission, and in the Amendment, they were called upon to extend their period of office for five years. In order to judge between these two proposals, it would be quite necessary to review the whole system which hinged upon each alternative. Some few hon. Members of the House amongst whom he sat seemed to think that was a question of the denominational system and the secular system of education. Certainly, if it were so, he (Mr. Sullivan) and the large number of Irish Members who voted last night would at all hazards vote for the Bill. No and they were advocates of the denominational system in education. In the application of public funds for education, they contended that each denomination should share the State aid, and on the same principle, they contended that in the education of youth, religion should not be excluded; but he found no such issue raised in that conflict. It was not a struggle between a denominational system proposed in the Bill against a secular system now in force. If it were, he repeated, his vote would be given against the old and in favour of the new scheme. But the authors of the new propositions themselves had again and again declared that it did not assert any such new principle, or propose any change in the system of education from the existing

*Mr. Harcastle*



scheme. The right hon. Gentleman the Prime Minister had been at particular pains to make that clear. He said that, so far from changing, the Bill only proposed to "extend and develop" the existing system, and he even said the new Board were to proceed on "the old lines," only better defined. That effectually disposed of the pretence that there was a conflict between a secular Bill and a denominational Bill; but if he (Mr. Sullivan) had any need for further proof on that head, it would be found in the fact that although the secular education party in that House opposed the present Bill, they very nearly as strongly resisted, or, at all events, very strongly complained of, the existing Act when it was proposed, on the ground that it was denominational. If, then, the Bill was not meant as a change—if it was barely intended to "extend and develop" the present system—why was it proposed to abolish the present Board and set up a new one? The real reason for the proceeding was to be sought in the present attitude of the Church of England and the other sub-denominations of Protestants known as Nonconformists. The present Bill was meant to inaugurate—to borrow a phrase from the French Assembly—"a policy of combat." The Church party saw in that House some men who meant to press for disestablishment, and now, having the opportunity in having the power at their back, they had resolved to sally forth into the neutral zone and seize upon and occupy as vantage points certain positions which, by solemn treaty a few years since, it was settled should not be so held. That was the real secret of the whole proceeding. And, indeed, the matter was frankly and candidly avowed in the first speech of the noble Lord the Vice President of the Council, although in a speech later on he, alarmed at some manifestations of public opinion out-of-doors, endeavoured to modify his declarations very considerably. The proceeding was a strategic move—a bold and aggressive move—in anticipation of a future conflict on the question of disestablishment. Denominational education had nothing to say to it, except in so far as it was a proposal to wrong every other denomination for the aggrandizement of one. But what was the ground, what was the pretext upon which that belligerent step

was taken? "Respect for the will of the founder" was the sum and substance of it all. "Respect for the will and wish of the founder!" Why, it had already been shown that—

SIR GEORGE JENKINSON rose to Order, and intimated that the hon. Member was discussing matters which were not now before the Committee.

THE CHAIRMAN said, he understood the hon. Member, in his remarks, merely to refer to those clauses, in illustration of his argument.

MR. SULLIVAN said, he was most ready to bow to any decision of the Chairman; but he would emphatically assert that he was entitled, in discussing a clause which proposed to abolish the existing Board and set up another, to review the propositions made as to the powers the new Board should exercise. It was not his desire or purpose to anticipate the discussion which must arise on Clauses 4 and 5, especially as affected Catholics, but this much was fairly necessary to his argument. It was to carry out Clauses 4 and 5 the old Board was to be abolished, and why? Because the framers of the Bill wanted men whom they could thoroughly trust, to work out their own exclusive ends in exercising their option in respect to these clauses. The whole motive power and force of the change was attributed to "complete and scrupulous respect for the will of the founder." If that was not genuine, away went the whole foundation from the Bill. Was it genuine? Why, the Prime Minister himself had to admit that it was not, and that the language of the Bill was utterly delusive towards Catholics. It was to be respect for the will of the founder as long as such a plea availed to exclude Nonconformist Protestants—it was to be disregard of, defiance of, outrage of, the will of the founder whenever the founder was a Catholic. The Catholic was to be plundered and the Nonconformist thrust out; but the doctrine of "continuity," they were told, was to justify this—the continuity of the Established Church.

MR. GREGORY rose to Order, and said the clause they were on referred to a proposed power to transfer the authority to deal with the endowments from the present Commissioners to another tribunal.

THE CHAIRMAN said, as he understood the hon. Gentleman he was re-

ferring to the matter in illustration of his argument, although the illustration seemed not very happy, and not to apply to the question at issue.

MR. SULLIVAN said, he would resume his seat, if he was to be interrupted or fettered in so palpably necessary a portion of his argument. He was demonstrating by reference to those clauses why Clause 1 should be amended as proposed. The disregard of the will of the founder, where he happened to be Catholic, was excused by the plea of continuity, of pre-Reformation, and ante-Reformation. What kind of continuity—was it legal or doctrinal? The plea was that the Established Protestant Church was a continuance of, was the heir-at-law of, the Catholic Church, and was thus entitled to all educational endowments originally given for Catholic schools; that the two Churches were to be regarded as one and the same. The family likeness certainly was not strong; but surely the kinship between the Catholic Church before the Reformation and the Establishment of to-day was not half so strong as that between the latter Church and those other subdivisions of the Protestant Body, whose claims, as co-heirs, were now utterly denied. The continuity and identity plea surely could not avail as between those, and, consequently, that attempt in the same Act to despoil the Catholics and defraud the Dissenters was a glaring inconsistency, to say the least. Now, here exactly was the pith of the whole case—here exactly arose the consideration which had led the authors of the Bill to propose to abolish the existing administrative body or tribunal, and set up a new one. The present tribunal might, according to the option given it, administer endowments for Protestant education in a way to give all the subdivisions a share, according to the equities of each case and all the surrounding circumstances—nay, they might extend like justice, in part, at all events, to the Catholics. So they were to be swept away, and a new tribunal set up, who would construe everything into the lap of the Establishment. What was bequeathed to the Establishment expressly was to be all theirs. What was bequeathed for Protestantism generally was to be all theirs. What was bequeathed for Roman Catholics expressly was to be theirs. In fact, everything

was to be theirs. They were to have the benefit of every doubt; they were to take what was certain and what was doubtful; they were to have their own and ours and everybody's. Against such a proposition, he (Mr. Sullivan), speaking for himself and some of his fellow-Catholic Members, would protest with all vehemence. He and they, at all events, were free from selfish considerations. They had the cold consolation of knowing that neither side ventured to be just towards them in respect to those Catholic endowments; but they would not, because they were the victims of a dire injustice themselves, abet an injustice on Protestant Dissenters. Some of these Dissenters were denominational educationists, others of them were secular educationalists. Each and all complained of the present proposal, as he (Mr. Sullivan) did, because it was combative in character, aggressive in policy, rapacious in its object, hypocritical and dishonest in its phraseology, and because, while it sought to wrong the Non-conforming Protestants, it perpetuated in terms of insult the spoliation of the dead, whereby the will of Catholic founders was to be outraged and defied.

MR. FORSYTH said, he felt bound to retort upon the hon. and learned Member for Oxford (Sir William Harcourt) the charge of introducing sectarian bitterness and rancour into the debate; and in support of the charges made against the Endowed Schools Commissioners he would refer to a speech made last year in that House, founded upon the evidence taken by its Select Committee, which evidence, it was said, would convince any one that the Commissioners had been guilty of great indiscretion. That speech was made by a Member of the present Opposition, and if it gave a correct description of the work of the Commissioners, was not the Government justified in seeking to supersede them by others against whom no such charges could be brought? The name at the commencement of the speech he had referred to was that of Mr. W. M. Torrens.

MR. DIXON: It is my intention, Sir, to confine myself strictly to the Amendment before the Committee, with one exception, and that is, in order that I may correct an error which has been made by an hon. Gentleman opposite. He informed the House—and the statement

was cheered—that, under the schemes of the Commissioners, town councillors were to become *ex officio* members of the new Governing Bodies. If it has been contemplated that town councillors shall have the power of nominating some of the members of a new Governing Body, it does not follow that they would nominate themselves, and I could cite cases where, under analogous circumstances, town councillors have appointed, not members of their own body, but those inhabitants of the town whom they considered were better fitted for the purpose. I have risen to give one reason why the Charity Commissioners are not the best body for having the duties of the Endowed School Commissioners conferred upon them. The Charity Commissioners, by habit and tradition, have been almost compelled to defer to the opinions and wishes of existing trustees. I had, on one occasion, the necessity for consulting the Charity Commissioners upon an important transfer of property in Birmingham, and I explained to the Commissioners what it was that the town wished to have this property applied to, and the Charity Commissioners said that they were entirely in accord with the feelings of the town; they thought it desirable that this transfer should be made, and they thought the purpose to which it was proposed to devote it an admirable one; but they said—

“We cannot interfere in a matter of this kind, except with the consent of all parties. You must obtain the consent of the trustees before you can move in this matter.”

It was not possible to obtain that consent. There were some half-dozen men who did not share the opinion of the rest of the town, and that small body of trustees were able to prevent the Charity Commissioners from moving. A body whose custom it is not to consult alone the wishes of the parties most interested, but to be swayed by the trustees, is not the best calculated for acting—I will not say against the trustees, but in a manner that will, in all probability, not be entirely in accordance with their wishes. The Commissioners should be even prepared to over-ride those trustees, and make schemes that may have very little reference to their views or opinions. The Amendment has been debated upon this issue—that these Commissioners are everywhere unpopular. It has been

asserted over and over again that they are unpopular in this country. My hon. Friend the Member for Southwark (Mr. Locke) has repeated that assertion; but I do not accept the statement of my hon. Friend as being a statement that ought to have much weight, because we know that he and others represent certain corporations in the City of London, which corporations have very much more power in this House than they ought to have—

MR. LOCKE: I do not hold any such position as has been attributed to me by the hon. Member.

MR. DIXON: We know that he has spoken on every occasion on behalf of these Bodies. He has spoken on behalf of the Corporation of the City of London, and particularly in the case of the Emanuel Hospital, which was a matter brought forward, as was generally understood at the time—to a great extent, at least—at the instigation of the Corporation of London.

MR. LOCKE: I had nothing to do with it.

MR. DIXON: It was said at the time that the Corporation of London and other City corporations had an enormous power in this House. What I wish to say is, that I desire to place upon record that there are people who do not share that feeling of antagonism to the Commissioners which has been alleged so frequently in this House. It is not the case of the town that I represent, which contains between 350,000 and 400,000 inhabitants. The pith of the whole discussion turns on the question, whether the Commissioners are or are not entitled to the confidence of the country; and whether it is true or not that they are so unpopular as the other side have been constantly telling us. I can speak in behalf of Birmingham for this reason—that I have for many years past taken a very great interest in endowed schools. We have in Birmingham one of the largest of these endowed schools, and it is an institution of the greatest possible value to Birmingham. We have had an association for the reform of the Grammar School, and I am the Chairman of that association, and therefore know the feeling of Birmingham in this matter. That association is by no means composed of extreme men. My predecessor in office as Chairman of that Body was a gentleman who was opposed to me on every point in reference to elementary educa-

tion; in fact, he was the Chairman of the late school board in Birmingham. He has written more against the League and myself than anyone else. Therefore, I think, you will be convinced that this body is not composed merely of extreme men. They are men noted for their intelligence, and, generally speaking, for their moderation. The Commissioners' scheme was laid before us, and the Grammar School Association was called upon to weigh every point of the scheme. The town council was of opinion that it would be advisable that the whole power of electing Governors should be thrown into the hands of the town council. That was an opinion held by an extreme party; and the Governors on the other hand thought it would be wisest to continue the old plan of self-election; whilst the Association proposed a middle course, suggesting that the majority of the board should be representative men—and that they should elect the remainder. I do not say that the Commissioners adopted the recommendations of the Association, for they did not adopt the recommendations of any body of men in the precise form that they were made, but the scheme of the Commissioners was an extremely moderate one. After full consideration of every suggestion that had been made, the Commissioners adopted something of them all, and the scheme consisted mainly in this—that the Governing Body was to be partly representative, and partly co-optative. A large minority of the Governors were to be co-optative, and the other portion were to be selected by the town council and the school board—the school board at that time being a Conservative and Church Body. Besides that, the scheme declared that the existing Governors should form a part of the new board; but it was felt by the extreme sections that that would not meet their view, because it would be a long time before they would obtain power in that body. The Committee must bear in mind this case of Birmingham, where certainly the Nonconformists have some influence, and where the League has its head-quarters, and where, nevertheless, the general body of the inhabitants have come forward to say that they were satisfied with this scheme of the Commissioners. When the scheme was attacked by the Governors, a deputation, headed by the

Mayor of the town, had an interview with the Duke of Richmond. On that occasion, the Mayor, on behalf of the town council—composed of Churchmen and Nonconformists—expressed an opinion in favour of the scheme, and said that they thought, upon the whole, although it did not go so far as they had expected, still, that it was a fair and reasonable compromise, and one that should be accepted to put an end to a long and protracted struggle; and if that scheme were passed, they would be satisfied. Who were the opponents of the town council and Grammar School Association? The opponents were the Governing Body; but then the Governing Body were self-elected men, and cannot be said to represent the feeling of Birmingham in any way. They composed the Body that we had to reform—the Body that this House had undertaken to reform, and for which the Act of 1869 was passed; and therefore I think that when the moderate party in Birmingham and the extreme party—in fact, all Birmingham, excepting the Body who were to be reformed—came forward to express satisfaction with a scheme intended to be a compromise with all parties, then I say that the Commissioners are not unpopular. Judging from the feelings of Birmingham, I say that they are by no means so unpopular a Body as to be superseded by another Body, of whom it may be said that three out of five have no sort of acquaintance or experience with the matter in hand. If we were to leave matters to those gentlemen, who by habit lean to the side of the trustees, we should defeat the object we had in view in passing the Endowed Schools Act; if we continue these existing Bodies we shall do that which is prejudicial to the cause of education. In Birmingham there are certain questions of very great importance with reference to endowments that have been dealt with by the Commissioners, and they have treated them in a popular manner, and have given satisfaction to the town. There are other matters yet to be dealt with, and when you come to treat them by the Charity Commissioners, who will lean unduly to the Governors, you will very likely indeed cause mischief. It is very important indeed that the Governing Body should have in future what it has not had before—the entire support of

the whole body of the inhabitants of the town; and if that Governing Body should not have that support, then I think they will be very much crippled; and it is not to be expected that they will carry out reforms, probably not any at all, but certainly not those reforms which are in accordance with the wishes and aspirations of the people. But surely this is a question for the consideration of the Committee—whether an end is to be put to Commissioners who have considered a scheme, and proposed something which will restore harmony to the town on this great question, or whether the matter is to be placed in the hands of another Body, who, for the reasons I have mentioned, will very probably not be able to secure that entire co-operation and harmony which is so essential to the good government of those schools. As the cry has been so often raised about the unpopularity of these Commissioners, I will repeat my strong conviction, that that unpopularity exists rather in the minds of the Governing Bodies than in the minds of the masses of the people. These Governing Bodies exist everywhere throughout the country. They form a very important part of the interests which the Prime Minister said were “harassed interests.” I will frankly admit that this side of the House has suffered in consequence of the attempt to harass these Governors and Governing Bodies, and so far from feeling ashamed to say that we have suffered severely in consequence of that interference, I think it is a matter to be proud of. Let it be clearly understood that the unpopularity rests with these Governing Bodies and their friends, for it does not rest in the minds of the great body of the people of England. I think I have shown that in one of the largest of our towns, where there is the greatest possible freedom for the expression of opinion, where we have the largest and most valuable of those institutions, the work of the Commissioners has been approved of, and I will venture to say that if you were now proposing to the inhabitants of Birmingham the question of the popularity or unpopularity of the Commissioners, you would find, probably, 9 out of every 10, or 99 out of every 100, saying that the unpopularity of the Commissioners does not exist in Birmingham, whatever it may do elsewhere.

MR. TORRENS said: Sir—I am sure my hon. Friend who has just sat down, believes sincerely that on educational matters England is a mere curtilage of Birmingham. [Mr. DIXON: I did not say so.] My hon. Friend did not think it necessary to say so; but all his arguments, and those of the school he so fitly represents in this House, imply the strange delusion that what suits the humour of his constituency, may be, and ought to be, imposed as a rule on the rest of the nation. I shall not be tempted to try a wager of wealth, wisdom, or worth, with my hon. Friend; though I might, were it needful, cap voters with him, and show that in the more numerous, opulent, and cultivated community with the care of whose interests I am charged, convictions the most opposite prevail to those which he tells us predominate in Birmingham. In 10 years’ experience, I do not remember any theme of discussion on which there has been so near an approach to unanimity among all classes and creeds in Finsbury, as the local appropriation of school estates which we claim as our own. From public bodies and from public meetings I have presented numerous Petitions praying the House to frustrate, by its interposition, the confiscating designs of the Endowed Schools Commissioners. Men who agree in little else—clergymen and dissenting ministers, employers and employed, Liberals and Conservatives—concur in a feeling of detestation of the policy of the Commission, and resentment at the manner in which their expostulations have been disregarded. I am happy to say that with us religious jealousy has in no wise discoloured the truth in controversy; and I cannot refrain from expressing my regret that it should have so deeply tinged the matter of this debate. For my part, I never hear the substitution of sectarian for social, and polemical for political considerations in our disputes, without that sense of sorrow and disgust which filled the mind of Robert Hall, and to which he has given such eloquent utterance. I do not gather, indeed, from the last speaker that all the good people of Birmingham are content with the way in which their old foundations have been treated by the Commissioners; and even if they were so, their satisfaction can only be set off against the dissatisfaction of Southwark,

or London, or Finsbury; and cannot be reckoned as a make-weight against them all. But let us return to the broader question. What is the constituent judgment and what is the representative will of England? Does the country at large, or does it not, desire to prolong the official existence of the separate and exceptional body, which the late Parliament was induced to create for a temporary purpose, and which one of its last Acts sentenced to extinction? The Bill before us proposes to execute that sentence. Has anything happened since it was passed which can fairly be said to overrule or suspend it? There has been in the interval a general appeal to the country. Will anyone say that on this point there has been a reversal, or the semblance of a reversal of the judgment of the last Parliament? I heard with amazement the right hon. Member for Bradford state that the notice to quit served on the Commission by the Act of last year originated in the House of Lords; and that the protecting hand of the late Government had been forced by the vote of that Assembly. As a matter of fact, I give that statement the most unqualified contradiction. [An hon. MEMBER: Oh, oh!] Inconsiderate ejaculations of wonder or doubt will not settle the question; but I undertake to convince even you, before I sit down, that neither technically or substantially is there a shadow of justification for saying that the Lords are solely or specially responsible for the clause in the Act of last Session, which declared that the Endowed School Commission shall come to an end on the 31st of December next. I say, unequivocally, that the House of Commons, and the late Ministers advising the Crown, are quite as responsible, and, by their acquiescence, are as completely bound. While the Bill was in Committee last year, which proposed to enlarge and prolong the powers of the Commission, Notice was given simultaneously, but without any concert, by two hon. Members sitting on opposite sides of this House, of the clause now in dispute. That Notice was given on the Conservative side by the right hon. Gentleman the Member for the University. [An hon. MEMBER: What University?] I hope there are still some here who do not forget the old fashion that used to pay Oxford the compliment of calling it the University. On

the Liberal side, the notice to quit was entered in the name of the senior Member for Finsbury. As a matter of courtesy, I yielded precedence to one who has occupied a much higher position in public life; but I acted as one of the Tellers on the occasion. Need I observe upon the significance of the indication afforded by the circumstances I have just mentioned, that there existed in this House a strong feeling of indisposition to give the Commissioners a lease of office renewable for ever? A discussion arose on the 17th of July, and it was clear that many on both sides held one opinion. On a Division, no fewer than 88 voted for the Amendment; but the Government, which still boasted the working majority, outnumbered us by 41. Well, who did the nation, last January, say was right? Here is the list of the 41 faithful Friends of the right hon. Member for Bradford (Mr. W. E. Forster); and what do I find? Why, that no fewer than 27 out of the 41 lost their seats at the General Election. When the Bill was sent up to the Lords, our defeated Amendment was put in, the Bill came back to us thus altered, and, as I think, improved. What did the right hon. Gentleman do? Did he refuse to adopt the change? Did he stick to the principle which now, we are told, is essential? Did he make even a show of fight for his three friends? Did he offer a compromise on the question of time? Did he propose to go into the Painted Chamber, and there discuss the point with the Peers? Not a bit of it; but murmuring moodily something about his regret at the change, he advised the Commons to assent to the alteration made by the Lords. We took his advice, and so resolved *nemine contradicente*. Yet now he has the courage to say that his hand was forced, and that the notice to quit was altogether the act of the Peers. I know not whom this strange misrepresentation is meant to beguile. We have, I believe, 200 Gentlemen here who were not of the last Parliament; and it is possible that the ex-Minister of Education may count on their want of experience in forms of procedure, and may hope to persuade them that mute acquiescence by one branch of the Legislature in what is proposed by the other implies and involves no joint and several responsibility. But the 400 Members whom I am happy to recognize as Col-

leagues of old standing will give no heed to the dangerous doctrine that when we think fit, as a House, to waive our privilege of dissent, we thereby renounce or escape from our share — or any part of our share — moral or legal accountability. Such a doctrine is wholly subversive of sound constitutional practice and principle; and to tell a new House of Commons that, on such a pretext as this, it is not bound by the acts of a former House of Commons, is to chuck the lynch-pin out of the wheel of Parliamentary rule, to break all unity, and to sever all continuity of legislative obligation. I contend, on the contrary, that no sanction can be more emphatic, weighty, or clear than that which is given, upon due notice and after deliberation, without a division. The late Ministers must be held to have agreed when they might have disagreed, because they said "Aye" when they might have said "No," to the adoption of the notice to quit first proposed in this House and then sent down from the other; and because, by advising this House to assent when they might have advised it to dissent from the clause embodying that Amendment, they lent all the weight of administrative authority to its statutable adoption. They had still their faithful and trusty majority of 41 ready to follow their leading. Was it leading or mis-leading? Did they believe that they were acting a justifiable part towards the three Commissioners? If they did, where is now the wrong of executing what they led us to decree? Did they, on the other hand, believe that the provision was unjustifiable, although, without debate or parley with the other House, they recommended its enactment? I leave the late Vice President of the Council to explain the point at his leisure. His consistency is his own affair, but the consistency of Parliament is our affair; and I maintain that, the circumstances of the case remaining unchanged, there would be no consistency, reason, or propriety in our undoing now the work of our predecessors last year, upon the plea that they were consciously misled into an act of wrong, with the esoteric intent of reparation at a more convenient season. This is not the way in which the business of legislation was wont to be done in the best times; and this is not the way, I hope, in which we shall ever agree to have it done. Will

anyone say, in extenuation of the course thus taken and which it is now sought to repudiate, that in the last days of July it was neck or nought with the Commission, and that, if the clause had been struck out and the Peers had proved obdurate, the measure would have been lost, and the Commission, unrenewed for a second term, would thereby have come to an end? What was there, in such a case, to prevent the expiring Act being put into the Continuance Bill? Will the right hon. Member for Bradford gravely try to persuade us that, had it been so put in, for the sake of keeping alive an active and working Commission for twelve months more, the majority of the House of Lords would have refused its acquiescence? For one, I do not believe a word of it, and I should not think much of the judgment of any man who said he did. Let me remind the House that we are now discussing a particular clause in Committee, and not the general principle of the present Bill. To this clause I give my hearty assent, while to the other clauses, if they are pressed, I shall certainly record an equally strenuous opposition. Many of us on this side of the House refused to vote for the second reading. Like my hon. Friends the Members for Southwark, Rochester, and Peterborough, we would transfer the jurisdiction to graver and trustier hands, but we would give no sanction to the retrograde policy denoted by other portions of the measure. We do not deny that the Commission has done good work; and undoubtedly it had abundant work to do. Abuses manifold and varied had crept like weeds all over our educational endowments, and it was quite right that these should be cut down or uprooted with a vigorous hand. No one blames the vigour — or I will even say the rigour — shown by the Commissioners in extirpating jobs and scandals — I do not admit it for argument sake — I say it frankly and cheerfully, that I believe they were indefatigable in their work, and that much of their work was useful and good. But is that a reason why they should be permitted to usurp a plenary jurisdiction over trust property which they were never given by the original vote of this House? That vote constituted them a temporary council, auxiliary to a great Department. Standing at that table, the right hon. Member for Bradford asked certain

writing that his ancestress was, in fact, the younger sister; and that the ancestress of the petitioner was the elder. This would supply the sole link wanting, and secure the ennobling of an amiable and wealthy family. Being far advanced in years, the old gentleman yielded; but his eldest son refused to acquiesce in the renunciation of his honours in expectancy. If the dormant barony could be revived it should come to him and he would have both; so the letter of acknowledgment was next day withdrawn. "Now," said the heraldic antiquary as he told the story, "did you ever hear of anything so unprincipled and good-for-nothing? But I was determined to checkmate him; and I made out another pedigree from which I left him out altogether."

Mr. W. E. FORSTER said, that if the Dulwich College scheme were before the House, it would be his duty to state the other side of the case. There were two town parishes which were to receive £2,000 per annum and £50,000 capital, and with regard to the Governing Body of Dulwich College he knew that they were favourable to the continuance of the Commissioners. He repeated as positively as possible that the late Government were not responsible for the powers of the Commissioners expiring this year. His hon. Friend (Mr. W. M. Torrens) said that, of the 41 majority in favour of the Government last year, 27 had lost their seats. His right hon. Friend (Mr. Knatchbull - Hugessen), however, informed him that about the same proportion of the minority of 88 had also lost their seats. His hon. Friend said he might have brought the House of Lords to terms; but the Government were obliged to choose between having no Bill at all, and allowing the Amendment of the other House to remain. It was also said that the Bill might have been put into the Expiring Laws Continuance Act, but it was no breach of confidence to say that the Marquess of Salisbury who took great interest in the subject, told the Marquess of Ripon that he would not assent to that course, and he was perfectly able to keep his word. Passing, however, from that, he would come to the question before the Committee. Looking at the subject matter of the clause from an educational point of view, it would be impossible to over-rate the importance

*Mr. Torrens*

of the Committee coming to a decision upon the question of changing the machinery of administration in respect of these endowed schools. The clause opened up two questions of great importance. The first was, why were these Commissioners to be dismissed; and the second was, what were the results that were likely to follow from their dismissal? These questions deserved the gravest consideration; but he was sorry to say that they were not receiving that consideration from the Government which they had a right to expect. Speaking last night, the Prime Minister had said "Bring forward your Amendments when we get into Committee, and we shall debate them, and if we find that we can meet your wishes we shall do so." That was the attitude of the Government last night, but what was their attitude to-day? Why, as soon as the hon. Member for Wenlock (Mr. Brown) moved his Amendment the noble Lord the Vice President of the Council got up and said—"I am not going to enter into this question. It has already been fully debated, and I have, therefore, nothing further to say in respect to it." That was certainly not fair treatment. But he would not dwell upon that point. He preferred to pass on to the consideration of the dismissal of the Commissioners. The noble Viscount naturally attempted to give some reasons for the dismissal of the Commissioners, and one was that he (Mr. Forster) did not last year praise the Commissioners. He was, however, in Yorkshire phrase, "set" to get his Bill through in the face of a powerful majority in the Lords. The chief ground, however, upon which the noble Viscount had rested his dismissal of the Commissioners was, because the hon. Members for Huddersfield and Swansea, and other Representatives of the Nonconformists, found fault with the Commissioners last year. But did the noble Viscount agree with those hon. Gentlemen in thus disagreeing with the Endowed Schools Commissioners? He (Mr. Forster) felt not, and therefore it was absurd to pretend that the change was to be effected out of deference to the opinions of the Nonconformists, with whose sentiments the Government had no sympathy whatever. Neither was it quite generous to make use of that expression of opinion on the part of Dissenting Members. Certain he was, that if they were now to be con-



sulted, they would prefer that the Commission should be continued. Another argument was, that they had not got through their work with sufficient promptitude. But did the noble Viscount think the Charity Commissioners would get through the work more quickly? It reminded him of the advice given to President Lincoln to change his generals in the middle of a campaign. He replied that he had crossed a good many strong rivers, and the very worst time for "swopping" horses was when you were in the middle of the stream. That was an aphorism well worthy of being borne in mind, for they were at the present moment in the middle of the stream with these endowments, and that was the moment chosen by the Government for getting rid of the extensive knowledge and experience acquired by the Commissioners. They knew the whole working of the system in connection with the schools. What was best to be done and how best to do it they knew, and it stood to reason that, bearing all that in view, these Commissioners should be able to do the work more quickly and satisfactorily than any new Commissioners who might be appointed. The noble Viscount had also said that the Commissioners had, in almost every instance, quarrelled with the trustees of the schools; but he (Mr. Forster) doubted whether that had been the case, because, in many instances, the schemes had been carried out with the hearty co-operation of the trustees. The Secretary of State for War said the Commission had not brought about union between the Commissioners and the trustees. It was possible that in some cases it had not, but he disputed the assertion as a general rule, and he challenged the right hon. Gentleman to prove it from any evidence given before the Committee. His own personal experience went directly to the contrary. ["Divide!"] He had worked with the Commissioners for four years, and if it was anyone's right and duty to defend them it was his. The hon. and learned Member for Leeds (Mr. Wheelhouse) had found fault with the action of the Commissioners in regard to certain Yorkshire schools. Well, Bradford was an example of flagrant abuse, and not a man in the neighbourhood of Settle dreamed of anything else than that the Commissioners should interfere, while Giggles-

wick had also been improved by the action of the Commissioners. In fact, he believed that there were not three more popular officials in the country than the Commissioners would be if they went down to Bradford. The Chancellor of the Exchequer said that the Government would not get rid of their responsibility; that they had found out other machinery which was better than the Commission; and that it was necessary that the Gentlemen who carried on the work should be on cordial relations with the Government. But what had the Commissioners done with regard to Church schools which the Government disapproved? Had they broken or strained the Act where Church schools were concerned? He denied it. The Act provided that if any persons thought that the Act had been infringed an appeal should lie to the Privy Council. There had been two or three appeals, but only two cases in which the Commissioners had been overruled. In one their decision had been positively, and in the other it was only inferentially, overruled. The one was the case of the Huysh Charity—a difficult case; and the other was a case in which the Commissioners had leaned to the side of the Church. It was upon the question whether clergymen should be *ex officio* trustees. Mr. Hobhouse thought they might, and he (Mr. Forster) was the only culprit. He thought that the law was against it. The Marquess of Ripon did not take the same view, but the Law Officers agreed with him, and the case went up to the Privy Council, which decided, after hearing argument, that he (Mr. Forster) was right. The Prime Minister felt that some ground had to be given for getting rid of the Commissioners, and said, but without imputing any fault to them, that they never agreed with the trustees. Now, he had got into a habit of not taking the right hon. Gentleman's statement strictly to the letter, and therefore he would not hold him to this assertion. He should, however, be disposed to assert, on the contrary, that the Commissioners had oftener agreed with the trustees than the reverse. But be that as it might, if it was to be decided that Commissioners were to be appointed who should always agree with trustees, the sooner the Act was dropped altogether, the better it would be for education. The right hon. Gentleman read an extract

from the Report of the Schools Inquiry Commission to show that they had recommended that the Charity Commissioners should execute the duties now discharged by the Endowed Schools Commission. The right hon. Gentleman quoted his (Mr. Forster's) name as having signed that Report; but the plan they proposed was, that certain provincial bodies throughout the country should prepare and submit schemes to a central authority. Glad as the late Government would have been to constitute such bodies, they could not see how to elect them, and they had accordingly nominated the Endowed Schools Commission instead of these provincial bodies. The Schools Inquiry Commissioners expressly said, that the Charity Commissioners neither had the powers nor the officers, nor were they in a situation to form the comprehensive views necessary for the work before them. What was the reason that the hon. Member for Southwark (Mr. Locke) opposed the Commission? His hon. Friend was a skinner, and he was so successful a skinner that he seemed to have skinned himself. At all events, he had become very thin-skinned. His hon. Friend was connected with a Tunbridge school, the advantages of which might, in the opinion of the Commissioners, be extended. They had, therefore, drawn up a plan; but, as nothing had been done with it, his hon. Friend was, after all, more frightened than hurt. Summing up all the arguments in favour of getting rid of the Commission, there appeared to be four. First, that the Schools Inquiry Commission recommended the Charity Commission, which he thought the House would admit they did not; secondly, that the Commissioners were blamed last year by some of the Dissenting Members, but they were not told who those Members were; thirdly, that the Government did not agree with them upon Church matters—a reason which was sufficient answer to its predecessor; and, lastly, that they did not agree with some of the trustees. It was very likely that they did not agree with some of the trustees; but he believed, nevertheless, that if the Commissioners had received the loyal support of the Government they would have been able to do great and effective work this year. There were many cases of great difficulty in which powerful trustees differed from the Commissioners,

*Mr. W. E. Forster*

and in which a settlement would have been arrived at, if the Government had only been loyal to the Commissioners. But it was of course impossible for them to do anything if the President of the Council held them at arm's length, and proclaimed to the country that the Commissioners had failed to perform their duty. What result was to follow when these Commissioners were disposed of: and who were the new Commissioners who would be appointed by the Government? It was most important before consenting to the dismissal of these gentlemen that the House should know what class of men the Government proposed to choose, and he hoped the names would be announced before the measure passed through Committee. They also had a right to ask the Government how far they considered the unpopularity of the Commissioners a merited unpopularity or not. He ventured to think that his hon. Friend ought to be supported by the Committee, first, because the Commissioners had done their duty well; and, secondly, because no sufficient reason had been given by the Government why they should be dismissed.

Mr. MUNDELLA moved that the Chairman report Progress.

Motion made, and Question proposed. "That the Chairman report Progress, and ask leave to sit again."—(*Mr. Mundella.*)

Mr. GLADSTONE said, he was sorry that the course of the debate should be interrupted, and more sorry still for the cause. The Government had entirely declined to discuss the merits or the conduct of the Commission, and after the statements which had been made that day by hon. Members, and especially by his right hon. Friend the Member for Bradford, he should certainly support the Motion for reporting Progress.

Mr. GREENE said, that he himself had in times past joined in factious opposition; but he had never known the front Opposition bench to take part in such a proceeding before. They had had three nights' discussion upon the question that had occupied the whole of the day, and it was rather too much to say now that the Government declined to join in the criticism that had been passed upon the Commissioners' conduct. Hon. Gentlemen opposite might

display their factious conduct to the fullest, but they would be met by a spirit of calm and steady determination on the Ministerial side. As there were no turnips that year, there would be no shooting till October, and he and his Friends were accordingly quite willing to sit till then, if it were necessary, in order to pass the Bill. If hon. Gentlemen opposite continued to display their factious temper, he and his Friends by him, who he supposed had some small share in the government of the country, would take care that it should not be successful.

MR. MUNDELLA said, he rose to a point of Order. He wished to ask, whether any hon. Member connected with the Ministry was warranted in skulking behind the Chair, and there lending his voice and aid to the noise and confusion which prevailed. The hon. Gentleman the Secretary to the Board of Trade (Mr. Cavendish Bentinck) had been doing that for some time past.

THE CHAIRMAN said, that however reprehensible might be the practice to which the hon. Gentleman referred, the language in which the hon. Gentleman described it was equally to be condemned.

SIR HENRY JAMES: The hon. Member for Bury St. Edmunds has accused those who sit on this front bench with having, for the first time, set an example of factious opposition. Why, Sir, we have only to go back to 1871 for such an example, and displayed, too, by those who sit on the side of the hon. Member for Bury. The Ballot Bill question had been for years before the country. Perhaps the Leaders of the front bench did not make themselves personally conspicuous in this conduct; but they had hon. Gentlemen acting for them below the gangway, and everything was done to delay that Bill, so that it could not be sent up to the other House in time to be passed. We, on this side, are simply asking for discussion upon the conduct of the Commissioners who are to be dismissed. The Government have not the courtesy to grant us that discussion, and for that reason it appears to me that we are perfectly justified in taking the course which we are doing.

SIR GEORGE JENKINSON: I beg to warn the Opposition that if they per-

sist in delaying the Bill the result will be that the Regulation of Worship Bill, which the whole House approves of, will be imperilled, if not defeated.

MR. DILLWYN: Sir, we are perfectly justified in the course we are pursuing. Government are taking a step which I never saw taken in this House before. They are endeavouring, during the very last days of the Session, to foist through the House—I repeat, to foist through the House, by means of a tyrannical majority, a Bill which is to have the most disastrous consequences. I say, Sir, that such a course of conduct is a gross outrage of the exercise of Parliamentary power. ["Oh, oh!"] It is, I say, a gross exercise of such power to attempt to pass a Bill which I cannot characterize otherwise than as re-actionary, and even revolutionary. It is a righteous exercise of power on our part to try and defeat such a Bill, even though we should sit here till October.

MR. MORGAN ILOYD said, that it would be a very easy matter for the Government to pass the Regulation of Worship Bill provided it dropped the present Bill.

MR. MELLY continued the argument.

And it being now a quarter to Six of the clock,

House resumed.

Committee report Progress; to sit again *To-morrow*.

#### ROYAL IRISH CONSTABULARY AND DUBLIN METROPOLITAN POLICE [EXPENSES].

Considered in Committee.

(In the Committee.)

*Resolved*, That it is expedient to authorise the payment, out of moneys to be provided by Parliament, of a portion of any increased Salaries and Expenses which may be payable in pursuance of any Act of the present Session for amending the Laws relating to the Royal Irish Constabulary and the Police of Dublin Metropolis.

Resolution to be reported *To-morrow*.

#### REGIMENTAL EXCHANGES BILL.

On Motion of Mr. Secretary HARDY, Bill for amending the Law relating to Regimental Exchanges, ordered to be brought in by Mr. Secretary HARDY, MR. WILLIAM HENRY SMITH, and MR. STANLEY.

Bill presented, and read the first time. [Bill 221.]

## GREAT SEAL OFFICES BILL.

On Motion of Mr. WILLIAM HENRY SMITH, Bill to provide for the abolition of certain Offices connected with the Great Seal, and to make better provision respecting the Office of the Clerk of the Crown in Chancery, *ordered to be brought in by Mr. WILLIAM HENRY SMITH and Mr. ATTORNEY GENERAL.*

Bill *presented*, and read the first time. [Bill 223.]

## FINES ACT (IRELAND) AMENDMENT BILL.

On Motion of Mr. ATTORNEY GENERAL for IRELAND, Bill to explain and amend the Fines Act (Ireland), 1851; and for other purposes relating thereto, *ordered to be brought in by Mr. ATTORNEY GENERAL for IRELAND and Sir MICHAEL HICKS-BEACH.*

Bill *presented*, and read the first time. [Bill 222.]

House adjourned at five minutes  
before Six o'clock.

## HOUSE OF LORDS,

Thursday, 23rd July, 1874.

MINUTES.]—PUBLIC BILLS—*First Reading*—Public Health (Ireland) \* (195); Alderney Harbour \* (196); Education Department Orders \* (197).

*Second Reading*—Infanticide (184); Revising Barristers (Payment) \* (175); Mersey Channels \* (182); Conveyancing and Land Transfer (Scotland) \* (186).

*Committee* -- Intoxicating Liquors (Ireland) (No. 2) \* (174).

*Committee--Report* -- Rating (158); County of Hertford and Liberty of St. Alban \* (167); Customs (Isle of Man) \* (165); Industrial and Reformatory Schools \* (180).

*Third Reading*--Hosiery Manufacture (Wages) \* (163), and *passed*.

## H.R.H. PRINCE LEOPOLD.

## THE QUEEN'S MESSAGE.

Order of the Day for taking into consideration Her Majesty's Most Gracious Message of Monday last, read.

THE DUKE OF RICHMOND: My Lords, I rise for the purpose of asking your Lordships to agree that an humble Address be presented to Her Majesty on the subject of the Message which Her Majesty was graciously pleased to send down to your Lordships on Monday last. My Lords, it has often been my fate—like most of those who have been placed in the position which I now

hold—to differ from noble Lords on both sides of the House in the various discussions in which from time to time we have taken part; but speaking for myself individually, I have every reason to be thankful for the kind consideration which on all occasions when I have had to address your Lordships, I have received not only from my own political Friends, but from all on whatever side of the House they may sit. My Lords, it is always exceedingly gratifying to me when an occasion presents itself which gives me the opportunity of addressing your Lordships, as I now do, upon a topic which I am sure will receive the unanimous assent of your Lordships, and elicit from every one of your Lordships the mark of sympathy which I have not the least doubt will be manifested on this occasion. These occasions arise, my Lords, when your Lordships are enabled to give expression to those sentiments which animate the whole House—sentiments of loyalty to the Monarchy, of attachment to the Dynasty under which this country has prospered and achieved a position to which no other country has arrived, and of personal devotion to the Sovereign under whose rule we have the happy privilege to live. My Lords, this is one of those cases; and I venture to hope that your Lordships will seize this opportunity of thanking Her Majesty for the Message which She has been graciously pleased to deliver to your Lordships, and of accompanying those thanks with the assurance of loyalty which has always been the characteristic of your Lordships' House. My Lords, the young Prince, the subject of the Message, and of the Resolution which I shall have the honour to propose to your Lordships, did not have the advantage, on account of his youth, of the personal example of his illustrious Father; but I think I may assert that he has been brought up in a manner in every way calculated to cause him to emulate and follow the noble example which has been carefully set before him. My Lords, the assiduity which His Royal Highness has shown in all the departments of study in which he has been occupied gives the assurance that he will fit himself to take that distinguished position in this country to which his birth entitles him; and we may venture to hope, from what we hear, that His Royal Highness will attain that large

share of popularity which has fallen to the lot of the other Princes of his illustrious House. My Lords, I think it would be unnecessary for me to trespass longer on your attention, and I therefore beg to move the following Resolution:—

“That an humble Address be presented to Her Majesty, to return to Her Majesty the Thanks of this House for Her most gracious Message informing this House that Her Majesty, being desirous of making competent provision for the honourable support and maintenance of her fourth son, Prince Leopold George Duncan Albert, on his coming of age, relies upon the attachment of the House of Lords to concur in the adoption of such measures as may be suitable to the occasion, and to assure Her Majesty that this House, desirous of availing itself of every opportunity to manifest its dutiful attachment to Her Majesty's Royal Person and Family, will cheerfully concur in all such measures as shall be necessary and proper for giving effect to the object of Her Majesty's most gracious Message.”

EARL GRANVILLE: My Lords, I beg to express my entire concurrence in all that has fallen from the noble Duke, I am sure that the Motion with which he has concluded will meet with unanimous concurrence in your Lordships' House. Some of your Lordships are probably better acquainted than others with His Royal Highness Prince Leopold. As the representative of the late Government in your Lordships' House, it was my privilege to have a closer personal acquaintance with him than I might, perhaps, otherwise have enjoyed, and I venture to say that there are very few young men of his age who have qualified their natural abilities with greater assiduity than he has done. I am sure your Lordships are all aware of the infinite pains bestowed upon his training, and that you will rejoice to hear of the reputation which he has already achieved in the University to which he now belongs. My Lords, with the greatest pleasure I second this Motion.

*Motion agreed to.*

Then an humble Address of thanks and concurrence ordered *nemine dissente* to be presented to Her Majesty thereupon: The said Address to be presented to Her Majesty by the Lords with White Staves.

# INFANTICIDE BILL.—(No. 184.)

(*The Lord Colchester.*)

## SECOND READING.

Order of the Day for the Second Reading, read.

LORD COLCHESTER, in moving that the Bill be now read the second time, said, that under the existing law, if a woman was charged with having wilfully caused the death of her child during or immediately after its birth, she must either be found guilty of murder or acquitted. The consequence was that juries were frequently unwilling to return a verdict of “Wilful Murder” in cases in which there could be no doubt that women had caused the death of their children on the ground that there was no positive proof that the child was born alive. This Bill, in consequence, proposed to make the infliction of serious bodily harm, when the child subsequently died, a felony, punishable with penal servitude for any term not exceeding 10 years, or with imprisonment for any term not exceeding two years. By clause 4, if a woman was acquitted of the murder of her child, the jury might find her guilty of the felony mentioned in this Bill.

*Moved*, “That the Bill be now read 2<sup>d</sup>.”—(*The Lord Colchester.*)

THE LORD CHANCELLOR said, that without stating his objection to the principle of the Bill, he must take exception to the wording. If a woman should “wilfully cause” the death of her child after its birth, he did not see how that could be anything but murder.

LORD PENZANCE said, he must express his concurrence with his noble and learned Friend on the Woolsack.

LORD REDESDALE had a great objection on principle to such Bills as this. Killing a child was as much murder as killing a grown-up person. The effect of a Bill of this kind would be to make people think it was not murder if the child was killed at the time of birth or just after it, and the consequence would be an encouragement to child murder, and not a repression of it.

LORD SELBORNE also had an objection to a special verdict of the kind contemplated by this Bill. He could not but think there would be much difficulty in such a verdict in a criminal

case. He very much doubted the wisdom of this legislation, but he was unwilling to reject the Bill, as it had received the assent of the other House of Parliament.

On Question? *Resolved in the Affirmative.*

Bill read 2<sup>a</sup> accordingly.

RATING BILL.—(No. 158.)

(*The Lord President.*)

COMMITTEE.

House in Committee (according to Order).

Clauses 1 to 5 *agreed to.*

Clause 6 (Valuation and rating of rights of shooting, &c.).

THE MARQUESS OF BATH said, that the clause provided that in cases where the owner let a farm and reserved to himself the shooting over it, the Assessment Committee should rate that farm as if the right of sporting was unsevered from it, and the tenant should have a deduction in the assessment to the amount of the value of the right of "sporting." It seemed to him impossible that the clause could be workable in its present form. There was no criterion of the monetary value of the privilege of shooting over a particular farm, and therefore it was impossible to rate it. The right of shooting over 2,000 acres in a particular county might be very valuable, but the right of shooting over only 200 acres of those 2,000 might be worthless. The majority of tenant-farmers would pay no additional rent for the right of shooting over their land. The proper way to assess such a farm as that contemplated by the clause, was to assess it at its highest agricultural value, and he should move an Amendment to that effect.

An Amendment *moved* after ("estimated") to insert the words ("at its highest agricultural value.") — (*The Marquess of Bath.*)

THE DUKE OF RICHMOND said, it would have been more convenient if his noble Friend had given Notice of an Amendment which, if adopted, would practically defeat the Bill. He understood his noble Friend to say, on the second reading, that he approved the principle of the Bill; but the words he

now proposed to insert could not be introduced in a rating clause which had come up from the Commons.

LORD HAMPTON concurred with his noble Friend (the Marquess of Bath) in thinking the clause unworkable. He thought the proposition itself was objectionable, and that his noble Friend the Lord President ought to consider whether he should not withdraw the clause altogether.

LORD PENRHYN said, that having acted as Chairman of an Assessment Committee for a long time, he thought there would be great difficulty in carrying this clause into operation. The clause held out a premium to the Assessment Committees to put the highest value upon game, because the higher the assessment for game the greater deduction there would be from the rent of the tenants.

THE LORD CHANCELLOR said, the noble Marquess proposed to alter the clause by inserting certain words; but the noble Lord (Lord Hampton) opposed the principle of the clause. But that was not the question before the Committee. The Committee had already decided it; because they had agreed to Clause 3, and thereby affirmed that it was expedient to extend the assessment to the right of sporting, when it was severed from the occupation of land. As to the Amendment proposed by the noble Marquess, it was impossible, consistently with the relations which prevailed between their Lordships' House and the House of Commons, that their Lordships should pick and choose out the subjects of assessment in a rating Bill. For that reason the proposition was one to which their Lordships should not accede. But supposing it to be adopted, it would make the Bill infinitely more injurious than, according to the noble Marquess, it was at present; because, first, the Assessment Committee would assess the farm at its highest agricultural value; and then they could not stop there, for the words "as if the rights of sporting were not severed" would remain in the clause, and that right would have to be assessed. The result would be that the assessment would be at the highest agricultural value, *plus* an assessment on account of game, which deteriorated the agricultural value of the farm.

EARL FORTESCUE said, he agreed to the clause as it stood; but contended

that the House had a right to reject it, or any part of it, if they should think fit to do so. He had been chairman of the Board of Guardians for some years, and occasionally attended an Assessment Committee, and he did not anticipate so much difficulty as some noble Lords seemed to feel in carrying out the clause.

LORD HENNIKER expressed a hope that the Government would withdraw the clause; but if they did not, then that the noble Marquess would proceed to a division.

THE DUKE OF RICHMOND pointed out that where an owner of land was also the occupier, he was at present without doubt liable to be assessed for the right of sporting; that where an owner was also the occupier and he let the right of sporting, he was assessable for the right of sporting; but where he was owner and not occupier, but reserved the right of sporting, there was no assessment; and it was to meet that case that this clause had been inserted in the Bill. The clause had undergone very great consideration both in the last and present Sessions of Parliament, being practically the same clause as was included in the Bill of the late Government. It would be impossible for him, if he withdrew the clause, to bring forward another that would be more satisfactory on that subject. What would be the position of that House in the opinion of the other House of Parliament and the country if they were to deal with that clause in the manner which had been suggested? The House of Commons had agreed that woods hitherto not included within the area of rateability should henceforth be assessed to rates, and their Lordships had adopted that proposal. The same was the case with regard to mines; not a word had been said in their Lordships' House against assessing mines, and the Bill as far as related to mines and woods would go down to the other House untouched. Would it not, therefore, be said in the country—"Here is a House composed of noble Lords, many of whom are attached to sporting, and the moment you touch that which affects the right of sporting which they enjoy, they immediately cry out and wish to have sporting taken out of the Bill." It would be unfortunate if their Lordships, when dealing with several descriptions of property hitherto exempted from rating, were to

strike out of the measure the particular description with which they were thought to be more intimately connected. He could not, therefore, withdraw the clause, and he regretted that he would be compelled to say "Not content" to the Motion of the noble Marquess.

THE MARQUESS OF BATH quite saw the difficulty which the noble Duke had pointed out, and would regret very much that anything should happen that was injurious to the Bill. The other sub-sections of the clause were exceedingly good; but he objected to the clause as it now stood because it imposed on the Assessment Committee a duty which they could not possibly discharge—namely, to declare the rateable value of a thing which practically did not exist, or which practically had no rateable value. The land was of value to the tenant for agricultural purposes, and the right of sporting over the land was of value to the sportsman for sporting purposes; but the great body of the tenant-farmers of England would not be disposed to give anything for the right of sporting over the land.

THE DUKE OF RICHMOND remarked that if an Assessment Committee were called upon to assess the rateable value of that which had no such value, there would be no rating or assessment at all in the case supposed.

On Question? Their Lordships *divided*:—Contents 15; Not-Contents 51: Majority 36.

*Resolved in the Negative.*

THE MARQUESS OF BATH pointed out that in the Bill of last Session there was a sub-section giving the power of appeal to the Courts of Quarter Sessions; but there was no such provision in the present Bill.

THE DUKE OF RICHMOND said, the provision in question was not necessary. That was not a taxing Bill, and after it had passed there would be the same right of appeal that existed at the present time.

*Remaining clauses agreed to.*

Bill *reported*, without Amendment; and to be read 3<sup>d</sup> *To-morrow*.

## POST OFFICE—MAILS IN THE NORTH OF SCOTLAND.—QUESTION.

THE DUKE OF SUTHERLAND rose to ask Her Majesty's Government, Why the Post Office have discontinued the mail trains which had hitherto run from Bonar Bridge to Helmsdale, in Sutherland; and why they decline to accept the service of mail trains from the latter place by the new railway about to open to Wick and Thurso in Caithness, which completes the great system of through communication from London to the extreme North of Scotland; and what security the Post Office offer for the regular transmission and safety of the mails if sent as ordinary luggage; and, in case there be any difference of opinion as to terms, why the Post Office will not consent to refer the question to arbitration in the manner provided by the Legislature? The noble Duke said great inconvenience and disappointment had been felt in the North of Scotland over a large agricultural district, containing a population of some 20,000 persons, many of whom were in poor circumstances, at finding the postal facilities which previously existed reduced instead of increased. For some time they had hoped and believed that when the new railway was opened they would have got their letters across the country by a direct route, which would have saved five hours, and enabled them to answer by return of post. But they were miserably disappointed to find that the Post Office did not intend to give them any further facilities. He supposed the Post Office had come to that determination because they considered it would not pay. The consequence would be that there would be three blank days in a week, so far as postal service was concerned, and no train on Sunday. The inconvenience would be immense. He thought that perhaps the Postmaster General, being new to his office, had hardly become aware of the great inconvenience that arose from the present arrangement. He hoped, however, that Her Majesty's Government would feel the great injustice that had been done, and would remember that the Post Office was a huge monopoly, and it ought to treat the poor districts with the same justice as the rich.

THE EARL OF BRADFORD, in reply, said, he hoped and believed that his

noble Friend had somewhat exaggerated the inconvenience that would result from the alteration. The fact was, that the contract for the conveyance of the mails in that district was purposely made to expire at the time this extension of the railway took place, in order to give the Postmaster General an opportunity of renewing the contract, or making some other arrangement which might be to the advantage of postal communication in the district. There was no reason why the mail service should not be safely conducted by the ordinary trains of the railway referred to. The Postmaster General did not decline to entertain proposals from the railway company for the transmission of the mails from Wick to Thurso. If no satisfactory understanding could be come to between the Post Office and the owners of the railway, the Postmaster General was quite willing to refer the matter to arbitration in the usual manner.

EDUCATION DEPARTMENT ORDERS BILL  
[H.L.]

A Bill to declare the validity of Orders of the Education Department with respect to United Schools Districts, and to make better provision with respect to such Orders—Was presented by The LORD PRESIDENT; read 1<sup>st</sup>. (No. 197.)

House adjourned at a quarter before  
Seven o'clock, 'till To-morrow,  
a quarter before  
Two o'clock.

## HOUSE OF COMMONS,

*Thursday, 23rd July, 1874.*

MINUTES.]—RESOLUTIONS IN COMMITTEE—Prince Leopold Annuity; Land Titles and Transfer [Compensation] \*.

Resolution [July 22] reported—Royal Irish Constabulary and Dublin Metropolitan Police [Expenses] \*.

PUBLIC BILLS—Ordered—First Reading—Post Office Savings Bank \* [227].

First Reading—Vaccination Act, 1871, Amendment \* [226].

Second Reading—Lough Corrib Navigation [218].

Committee—Endowed Schools Acts Amendment [187]—R.P.

Committee—Report—Registration of Births and Deaths [80-224].

Third Reading—Police Force Expenses \* [211]; Evidence Law Amendment (Scotland) \* [203], and passed.

Withdrawn—Merchant Ships (Measurement of Tonnage) (re-comm.) [213].



# **MERCHANT SHIPS (MEASUREMENT OF TONNAGE) (re-committed) BILL.**

(*Sir Charles Adderley, Mr. Cavendish Bentinck, Mr. Bourke.*)

[BILL 213.] COMMITTEE.

Order for Committee read.

**SIR CHARLES ADDERLEY**, in moving that the Order for the re-committal of the Bill be read and discharged, said, the Bill had not only received very full discussion and evidence in the Select Committee, but also had incurred alterations incapable of re-arrangement at that late period of the Session, and such as if left untouched would make the Bill cease to answer either its home or international purpose. Besides that, the Report of the Royal Commission on Unseaworthy Ships, just out, suggested further legislation on the subject, especially on the treatment of cargoes on deck. It would be most undesirable to add two Acts to the existing number on Merchant Shipping, when one might more perfectly deal with the subject, and he proposed to introduce one with this view next Session. The time of the Select Committee had not been wasted, but most usefully employed in elucidating the requisite legislation, and in illustrating the difficulties of making any system of deductions from gross tonnage permanently or generally equitable or satisfactory; and the international interests involved would be benefited by the interval given for more completely maturing a commercial system which might, and probably would, be adopted by all maritime nations.

Motion agreed to.

Order discharged.

Bill withdrawn.

## **CHANCERY OFFICE OF THE PAYMASTER GENERAL.**

### **QUESTION.**

**MR. GREGORY** asked the Financial Secretary to the Treasury, Whether he is aware that the promotion of the Clerks in the Chancery Office of the Paymaster General has not been carried out in accordance with the twenty third section of the Court of Chancery Funds Act, and why there has been a suspension of such promotion in the regular course?

**MR. W. H. SMITH**, in reply, said, he was aware that the promotion of the clerks had not been carried out in ac-

cordance with the Act; but the Treasury were unwilling to make any change until they knew what the requirements of the service would be under the new system. Permanent alterations had been suspended in regard to those offices until the Royal Commission which had been appointed should have reported.

## **ARMY — ROYAL MILITARY COLLEGE, WOOLWICH—VACANCIES FOR CADET-SHIPS.—QUESTION.**

**MR. MITCHELL HENRY** asked the Secretary of State for War, Whether, having regard to the disappointment which the sudden reduction of the number of vacancies for Cadetships at Woolwich from forty or upwards to thirty must occasion to many youths who have been for the last one or two years preparing for the examination, it is the intention of the authorities to extend the limit of age from eighteen years to eighteen and a half, or nineteen years?

**MR. GATHORNE HARDY**, in reply, said, that no pledge had been given by the War Department that 40 cadets would be admitted in each term; nor had they said anything to lead to that expectation. At present, there was no probability of there being so many vacancies in the Engineers or Artillery, and therefore it was very undesirable that cadets who had qualified should have to wait so long for their commissions as they would have if the limit of age were extended. It was not the intention of the Government therefore to extend the present maximum of age beyond 18 years.

## **ADULTERATION OF FOOD ACT.**

### **QUESTION.**

**SIR HENRY PEEK** asked the President of the Local Government Board, Whether he will state what steps the Government is prepared to take in order to mitigate the hardships which may arise from prosecutions under the Adulteration of Food Act before an opportunity has been afforded for submitting to Parliament such amendments in the law as have been suggested by the Select Committee who have recently reported on the subject?

**MR. SCLATER-BOOTH**: Since I had the honour of receiving a deputation introduced by my hon. Friend, and by the hon. Member for the City of

London (Mr. Alderman Cotton), which was numerous and influentially attended, and which requested that some course might be adopted with a view of limiting the prosecutions under the Adulteration Act, I have consulted the Secretary of State for the Home Department, who agrees in the opinion I expressed, that it would be impossible for the Government to take any steps which would have the effect of restricting the operation of the law, while they would not feel justified in introducing a suspensory Bill on the subject. I trust, however, and my right hon. Friend agrees with me, that having regard to the Report of the Select Committee, with the terms of which the public are generally familiar, the local authorities should be extremely careful in instituting prosecutions, especially on the subject of tea adulteration, until an opportunity has been afforded for fresh legislation. I may add that great care should be taken in any fresh appointment of analysts.

ARMY—PURCHASE OFFICERS'  
MEMORIAL—REPORT OF THE COM-  
MISSION.—QUESTION.

COLONEL BARTELOTT asked the Secretary of State for War, If he will state to the House the course he intends to take with regard to the Report and Recommendations of the Commissioners appointed to inquire into certain Memorials from Officers in the Army in reference to the Abolition of Purchase?

MR. GATHORNE HARDY, in reply, said, the Question was one which it would be impossible to answer within the limits of a reply to an interrogatory, even if he were prepared to state the course which he intended to pursue. The Report of the Commission was a very complicated and difficult one, and embraced considerations far beyond the question of compensation—for instance, the question of promotion in the Army. He could only say that he was sensible of the very great difficulty of the subject and its great importance, and he was giving it his utmost attention, with the view of bringing it to a satisfactory conclusion.

INDIA—ECCLÉSIASTICAL APPOINT-  
MENTS.—QUESTION.

MR. HOLT asked the Under Secretary of State for India, Whether Her

Majesty's Government has yet decided upon the general principle by which ecclesiastical appointments in India are to be regulated; and, if so, whether he will communicate the decision of the Government to the House?

LORD GEORGE HAMILTON: No question of principle in connection with ecclesiastical appointments in India has been raised. The Government of India had under consideration the principle which in future should regulate the expenditure incurred on behalf of ecclesiastical establishments in India, and they directed certain inquiries to be made in order to obtain additional information upon this point. In the last Despatch we received last year we were informed that the inquiry was still incomplete.

WAYS AND MEANS—IMPORTATION OF  
SUGAR.—QUESTION.

SIR JOHN HAY (for Mr. FORSYTH) asked Mr. Chancellor of the Exchequer, Whether he will lay upon the Table Copies of any representations which have been recently made to Her Majesty's Government by the Committee of West India Planters and Merchants, and of any Despatches consequent thereupon on the subject of the injury inflicted upon the British sugar producing Colonies by the continued exportation of sugar under bounty from France and other continental countries; and, whether Her Majesty's Government, seeing the disastrous consequences likely to ensue to the sugar trade of the United Kingdom if steps are not taken to place sugar imported into this Country from the British Colonies upon an equal footing with that imported from the Continent, will take measures as soon as possible to remedy the grievances complained of?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, there was, of course, no objection to produce the representations that had been made to the French and other Governments on the subject; but that was a matter that more concerned the Foreign Office than the Treasury; and he would observe that the hon. Member for the Tower Hamlets (Mr. Ritchie) recently obtained a Return on this subject from the Treasury; and he would suggest that the hon. and learned Member for Marylebone should move for the Paper he wished for, and that it should be added

to the Return granted to the hon. Member for the Tower Hamlets. The second Question was one of an important character, and one to which it was not easy to give a thoroughly satisfactory answer. As far back as 1864, a Treaty was concluded between England, France, Holland, and Belgium upon the matter referred to, and it was hoped that the provisions of that Treaty would put a stop effectually to the system of bounties, which was practically maintained in France, and, perhaps, also in other countries. Although the Treaty had been in operation for 10 years, the effect which had been given to its stipulations by France especially, had not been such as to realize the expectations which had been formed. He feared there would be very little use in continuing to press upon France the desirability of giving due effect to those stipulations. At the same time, the French Assembly had lately adopted a law with the object of introducing the system of refining in bond, and if this plan was carried into effect, the grievance complained of might be remedied. He trusted the people of France would see that it was for the general interest of the French taxpayer and producer, that that system should be adopted, and that the artificial system of bounties for the benefit of a limited class ought to be put an end to. But he doubted whether it would be consistent with the dignity of this country to continue to press this subject more than they had hitherto done; and although they would always endeavour to keep it before the French Government, they could not promise that any special steps would be taken.

#### TRANSIT OF VENUS.

##### QUESTION.

SIR JOHN HAY asked the First Lord of the Admiralty, If any of the ships despatched for the observation of the Transit of Venus have broken down; and, whether the necessary observations will be hindered in consequence?

MR. HUNT, in reply, said, it was true that one of the ships sent out for the purpose mentioned had broken down—namely, the *Encounter*—in consequence of an accident to the frame of her propeller; but that immediately on the circumstance being made known, another vessel—the *Volage*—had been

despatched to the Cape to take her place, so that no material injury would be done to the expedition.

#### CUSTOMS—OUT-DOOR OFFICERS' MEMORIAL.—QUESTION.

MR. RITCHIE asked the Secretary to the Treasury, If the Lords of the Treasury have taken into their consideration the Memorial of the Out-door Officers (Customs) of the Port of London; and when their decision is likely to be made known?

MR. W. H. SMITH in reply, said, that the Memorial had been referred to the Commissioners of Customs for their Report, and that Report had not yet been received.

#### CRIMINAL LAW—ALLEGED MAN AND DOG FIGHT AT HANLEY.

##### QUESTION.

SIR CHARLES LEGARD asked the Secretary of State for the Home Department, Whether the recent investigation into the alleged fight between a dwarf and a bull-dog at Hanley has led to any reliable information as to the truth of the circumstances so reported; or whether such a fight did in reality take place?

MR. ASSHETON CROSS: I have heard, Sir, to-day from the Chief Constable at Hanley, and he assures me that the whole of the Hanley force and the local county force have been busily engaged in investigating the truth of the story in question, and that up to the present time, they have been unable to find any corroboration of the story which appeared in the papers.

MR. MELLY: In reference to the answer just given by the Home Secretary, I wish to ask him what the "reliable information" was which caused him to inform the House on a previous occasion that he had reason to believe the horrible fight had really taken place—a statement which, being made on the authority of the right hon. Gentleman, and casting a great stigma on the local police and municipal authorities, gave more offence in the neighbourhood than anything which appeared in the papers.

MR. ASSHETON CROSS: When the story first appeared, I entered into communication with the Editor of the newspaper, and he certainly satisfied me that there were good grounds for be-

ness, and, I may also say, the enthusiasm with which it is made.

Mr. P. A. TAYLOR: I have felt it to be my duty on several previous occasions, when similar Motions have been brought before Parliament, to trouble the House of Commons with a statement of the reasons which have compelled me, on principle, to oppose these grants to Members of the Royal Family. The soundness of those reasons I hold with ever-increasing strength. They have never been answered, and, in my opinion, they are unanswerable. If there are points on which I have not been able to make my position good, it has been for want of better information—the blame of which does not rest with me. The late Government refused—I think most unwisely and improperly—to give the information asked for by the hon. Member for Chelsea (Sir Charles Dilke). He asked that the House and the country should have information which would prove that the Act of Parliament on which these proceedings all rest—the Civil List Act—had been carried out and worked in harmony with the spirit and the letter of that Act—a fact on which grave doubts had been thrown. It appears to me that a Government—from whichever side of the House they may come—should not only not desire to keep these matters back, but should take every opportunity of giving the information required. However that may be, I—in pursuance of those reasons which I have given to the House on several occasions, and which I do not intend to trouble the House with now—I now, on my own behalf, and on behalf of that small but gallant band who have previously voted with me against an overwhelming majority, make my protest against this Vote. We are not altogether so unimportant as our mere numbers would lead the House to suppose. On the last occasion there voted with me the Representatives of great commercial, popular, and intelligent communities, including those of Edinburgh, Glasgow, Birmingham, and Manchester. The 22 Members, including Tellers, who went into the Lobby with me represented constituencies amounting in the aggregate to 3,000,000 inhabitants. On the grounds, therefore, which I have formerly stated, and which I will not now repeat, I beg to enter my protest in the strongest terms against this Vote, and having done so, I shall not, so far as I

*Mr. Gladstone*

am concerned, trouble the House with further discussion on the subject.

*Motion agreed to.*

*Resolved, Nemine Contradicente, That the annual sum of £15,000 be granted to Her Majesty, out of the Consolidated Fund of Great Britain and Ireland, the said Annuity to be settled on His Royal Highness Prince Leopold George Duncan Albert, for his life, in such manner as Her Majesty shall think proper, and to commence from the date of the coming of age of His Royal Highness.*

*Resolution to be reported To-morrow, at Two of the clock.*

#### ENDOWED SCHOOLS ACTS AMENDMENT BILL.—[BILL 187.]

*(Viscount Sandon, Mr. Ascheton Cross.)*

COMMITTEE. [*Progress 22nd July.*]

*Bill considered in Committee.*

*(In the Committee.)*

Clause 1 (Transfer of powers of Endowed Schools Commissioners to Charity Commissioners).

*Amendment again proposed,*

*In page 1, line 25, to leave out from the word "Act" to the end of the Clause, in order to insert the words "continue in force for a period of five years from the date of the passing of this Act."—(Mr. Alexander Brown.)*

Mr. GLADSTONE said: Mr. Raikes—The first duty that I have to perform is one not essentially relevant to the discussion—the immediate subject of discussion—before the Committee, perhaps; but it is one which, I am sure, the Committee will feel it is incumbent on me to discharge, inasmuch as it has reference to a statement made with perfect propriety in the early part of the debate by the hon. Member for South-east Lancashire (Mr. Hardcastle). That hon. Gentleman endeavoured by means of the telegraph to test the accuracy of a statement I had made on a former evening. I wish now to state to the Committee the exact condition of the facts in regard to that statement. I had said that in the case of Manchester a sum of £50,000 had been contributed from voluntary sources within the last five years, and I had founded on that statement various arguments to which I need not now refer. But the hon. Member for South-east Lancashire made a statement yesterday which was received with considerable emotion of a favourable kind on his own side of the House, and which I understood to be to the following effect:—*I was mistaken in stating I had been*

subscribed during the five years; that the subscription, in fact, was raised in the early part of the year 1868, and that, therefore, it was entirely unconnected with the Bill introduced in the Session of 1869. Well, to a very limited extent, the hon. Member has been correctly informed. The statement was true as regards about £10,000 out of the £50,000. This sum of £10,000 had been subscribed in the city of Manchester in the Spring of the year 1868, not, however, out of connection with the subject of this Bill, because it was subscribed principally from Nonconformist sources, and on the completion, or in connection with the completion, of arrangements under which the Governing Body of the school was to be a mixed Governing Body. However, I was incorrect. My informants had failed to draw the necessary distinction, or I had failed to observe it so far as the precise date of the subscription of £10,000 is concerned; but I have received information from Manchester, since my statement was made, that as regards the other £40,000 out of the £50,000, the money was subscribed in the year 1869, and consequently after the Bill had passed through this House. My statement, then, with regard to £40,000 remains unshaken, either in form or substance, according to the latest and best information it was in my power to obtain; and as to the arguments connected with it, they are arguments to which we can recur on a future occasion. Last evening, when we adjourned the Committee, we had arrived at a state of considerable liveliness of feeling in the House. I will not at all attempt to revive that condition of affairs. On the contrary, in what I have to say I will endeavour to make it clear that we are very serious in the matter which we have to urge; that we are justified in the course we are pursuing; and, in fact, we make a reasonable challenge to the Government to give us an explanation on the subject of the abolition of these Commissioners, such as they have not favoured us with yet. I found yesterday with surprise that no reply was to be made on the part of the Government to my right hon. Friend the Member for Bradford (Mr. W. E. Forster). I thought I saw premonitory symptoms—  
 as are observed by those who reside in the neighbourhood of Vesuvius here, when there is about to be an *on*—that I saw, on the part of a

very distinguished Member of the Government, some indications of an intention to give a reply, and, consequently, my regret was bitter when I saw that the statement of my right hon. Friend was not considered worthy of notice. It is unnecessary for me after that statement to enter at any length into the question of the dismissal of the Commissioners. But I will claim for my self liberty of speech, and, avoiding all violence and ill-temper, I will endeavour to state what we think the grave nature of the issue that is now before us. The noble Lord opposite with the greatest kindness—kindness becomes the noble Lord much better than an occasional harshness—complimented us on this side of the House for having made an excellent defence of “our friends.” Now, it is part of our complaint that the noble Lord continues to look upon these gentlemen—the Endowed Schools Commissioners—as our friends. Our contention is, that these gentlemen, who are appointed under an Act of Parliament to discharge certain functions without fear or favour, against whom no accusation has been substantiated, are entitled to be considered as placed on far higher moral and political grounds than “friends” of any party whatever. We are, therefore, obliged to resent and repel what the noble Lord, no doubt, sincerely meant as a compliment to us. Let me endeavour to state plainly what we think the *gravamen* of the charge. The Commissioners are to be discharged not because they have done wrong, but because they are unpopular. They are slain, said the noble Lord, by public opinion; and the right hon. Gentleman the Prime Minister still more distinctly pointed the nature of the charge—he complained not that the Commissioners had done wrong, but that there was a collision between the trustees and Commissioners—there was a block and stoppage in the way of business, and the only course was to remove the Commissioners. In the first place, the amount of collision between the Commissioners and the trustees has been enormously exaggerated. That has been stated as the rule which was strictly the exception. But, supposing there was a certain amount of unpopularity attending the operations of the Commissioners, to what portion of their operations was that unpopularity attached? I divide the functions of the Commissioners into what I

may call their secular duties on the one side, and those duties which bear on ecclesiastical differences on the other; and my contention is, that the unpopularity attaching to their proceedings did not grow out of the manner in which they adjusted differences between Churchmen and Nonconformists, but from the practical reforms they endeavoured to carry into effect—their efforts to put down monopoly, to bring in the elective principle, to displace old and imperfect systems, and possibly in some particular instances to shift the *locale* for education. It was through the performance of these duties that the Commissioners became unpopular? And, now, what is proposed by the Government? That the Commissioners are to be deposed for unpopularity in the discharge of certain duties, with respect to which the Chancellor of the Exchequer tells us distinctly that matters are to go on hereafter as heretofore, and that the movements of the Commissioners are to be on the same lines and directed to the same purposes. Therefore, the state of the case is this—that those interested adversely in the Commissioners in respect to the questions depending between Churchmen and Nonconformists are about to take advantage of unpopularity not originating in questions between Churchmen and Nonconformists, but in endeavours of the Commissioners to give effect to practical reforms—unpopularity earned from one side of the case is to be a good reason why the Commissioners are to be displaced; the real reasons why they are to be dismissed being entirely different and distinct from those out of which their unpopularity grew. If you had said—"We think the Commissioners have dealt very violently with the endowed schools, and we are going to change the whole system," that would have been intelligible. But that system is not to be changed; it is to be affirmed by the Government, as it was by the last House of Commons; but the men are to be dismissed. That appears to us a case of very great injustice. Now, I come to another branch of this case—the treatment of the Commissioners by the present Government. The present Government came into office in February. They found there men of character, station, experience, integrity, and devotion to their work. Much of this is not in contest between us. It is admitted on all

hands. Was it not the duty of the Government to examine carefully into the relations between them and the Commissioners, and between the Commissioners and their work—to hear what the Commissioners had to say—to have conferences with them; to become acquainted with the difficulties they had to overcome; to reserve to themselves perfect liberty of judgment, and of dismissing or not dismissing them? Was it not a vital, elementary, inevitable part of their duty to give the Commissioners a hearing? I contend that it was an obligation in point of honour and in point of precedent, and upon every principle which regulates the relations between all those engaged in the public service in this country, to endeavour to arrange what is called in diplomacy a *modus vivendi* with the Commissioners, and to give them a fair chance and a fair trial, and only on arriving at the conclusion that they were impracticable to dismiss them. How different has been the course of the Government. You will see that it is utterly impossible to find a precedent for the course pursued by the Government. I will take an analogous case. Our contention is, that all these Commissioners, who are under particular Acts of Parliament, and are engaged in carrying into effect very unpopular duties for the public good, have the strongest moral title to the support of the Executive Government. What was the case of the Poor Law Commission? I will quote that because it is a case which may stand instead of a hundred cases. That Commission was appointed under the Act of 1834, for the purpose of giving effect to the provisions of the new Poor Law. No Commission ever discharged duties under any Act of Parliament that passed through such a prolonged tempest and hurricane of unpopularity as beset the Poor Law Commission. They were, however, supported by the Executive, notwithstanding the fact that political capital might have been made out of any action taken contrary to them between the years 1835 and 1841. When Sir Robert Peel came into office in 1841 what course did he take? He was supported by a larger majority than even the right hon. Gentleman opposite, but did he decline to have any communication with those Commissioners; did he take advantage of their unpopularity,

*Mr. Gladstone*

which was a hundred-fold greater than the unpopularity of the Endowed School Commissioners? Did he say, as the noble Lord said of these Commissioners, they are slain by public opinion? No; but the Government entered into free and confidential communications with the Commissioners, and, upon obtaining an affirmative result, as the Chancellor of the Exchequer has done in this instance, gave them a manful and a hearty support. I do not say it was the duty of the Government to give a manful and a hearty support to this Commission; but it was their duty to place themselves in confidential communication with them; to examine fairly and without prejudice the question whether the Commission ought or ought not to be continued, instead of allowing them to remain neglected for two or three months, and then at the close of the Session bringing in a Bill to put an end to them, without having given the Commission the slightest chance of making good their case in the hearing and view of the Government. This appears to us to be a very grave question indeed. It has not been discussed by the right hon. Gentleman at the head of the Government, nor by the noble Lord, nor by any right hon. Gentleman who has spoken on behalf of the Government. And now, Sir, I have to address a few remarks to the hon. Member for Bury St. Edmunds (Mr. Greene), who stated last evening that, in his opinion, the occupants of this bench had been guilty of offering a factious opposition to the Bill. I decline entering upon the sort of contest which would place us in the condition we were in at a quarter to 6 yesterday. I will speak with calmness, and reserve my warmth for argument rather than reproach; but the hon. Member does not appear to me to be aware of the meaning of the words he uses, and does not appear to be aware that the forms of the House are supplied for the very purpose of granting a minority protection in a special case. I said yesterday we had one of these special provocations. The speech of my right hon. Friend the Member for Bradford was in great part new, and it made it the duty of the Government to enter into full explanations. The Government refused to do so, and I believe it to be a regular Parliamentary proceeding, in the strongest sense, that, under these circumstances, Progress

should be moved. And however severe we may feel the censure of the hon. Member for Bury St. Edmunds, I am afraid we must put up with it as well as we can. We have considered the matter, and have endeavoured to make it plain that we had a substantial case, and, such being so, I contend that the proceeding was not a factious one. Now, it is proposed to abolish the Endowed Schools Commissioners, and transfer their duties to the Charity Commission, and two arguments have been used to justify that course. One was made by the right hon. Gentleman at the head of the Government. He produced a volume of about 500 closely-printed pages, and though he did not actually state that he had read through the whole of it, he conveyed as much to the House. [Mr. WHEELHOUSE: No, no.] I beg the hon. and learned Member for Leeds' pardon, because he spoke — [Mr. WHEELHOUSE: No, no.] — I beg the hon. and learned Member for Leeds' pardon, again then, because he spoke with the warmest eulogy of the whole contents of the volume, and recommended them to the careful study of the rest of the House. My right hon. Friend the Member for Bradford, however, showed that the informant of the right hon. Gentleman had misled him in the quotation he had furnished him with from the volume in question, because the right hon. Gentleman said that the Endowed Schools Inquiry Commission had recommended the transfer to the Charity Commission, instead of which, as my right hon. Friend showed, there was no foundation for the statement. Well, then, Sir, we are told that the Charity Commissioners were themselves agreeable to the transfer being made; but the Charity Commissioners have never stated that the functions of the Endowed Schools Commissioners could be satisfactorily performed by themselves. It was quite evident that no reference had been made to the Charity Commissioners, for no opinion of theirs was forthcoming; but after a certain time, a letter was produced which it was said expressed their readiness to undertake the duties. I have read that letter carefully, and I can only say it does not fill up the gap which previously existed. It only points out that certain executive difficulties of detail have affected individuals out-of-doors in consequence of their inability

to understand to which Department to apply; but I cannot find that the Charity Commissioners have said that their body was a better body for the discharge of these duties than the Endowed Schools Commission, and therefore both the arguments of the Government in favour of the change have been cut from under their feet. The Charity Commissioners have not recommended this change, and the Schools Inquiry Commission did not recommend it. The experience which has been gained is entirely in the hands of the Endowed Schools Commissioners. If the noble Lord insists upon describing the Endowed Schools Commissioners as the friends of a particular party in this House, he will weaken the authority of his own Commissioners; because the obvious inference will be that they are the friends of some other party, and, instead of acting with the moral authority which they ought to carry with them as the representatives of the Crown and Legislature, they will only have the authority of persons who hold certain views and opinions. I am very sorry to think of the effect this change is likely to have upon the performance of the duties of the Commission. The reproach which more than any other attaches to the working of our institutions is that they give far too much scope for the action of local prejudice and selfish interest as against the public welfare. It is the duty of Parliament and of the Government to labour to raise to the uttermost both the energy and the authority of those bodies that are called upon to defend the public interests against the selfish interests of classes and localities. You are now to transfer this duty to a Commission, most respectable for its purpose, and acting most properly and beneficially, but appointed for a purpose perfectly distinct. No one would draw an invidious distinction between the two Commissions; but the gentlemen who are to be appointed to discharge these difficult duties, without the higher experience accumulated by the Endowed Schools Commissioners, will find themselves weakened and almost intimidated by the knowledge that they are appointed to succeed others, not because they went wrong or failed, but because they met with opposition in the country; and consequently the lesson too likely to be drawn will be that what they have to do is not to act fearlessly and boldly in the public interest, but to avoid

that opposition which is stated by the Prime Minister, as the main reason why the Endowed Schools Commissioners should be displaced. Sir, I think the House will feel that we have made out a fair claim for asking the Government for a full explanation of their policy, and I hope that some such explanation will be given by one of Her Majesty's Ministers.

Mr. GREENE wished to say a few words in explanation, after what had fallen from the right hon. Gentleman who had just sat down. When he yesterday stated that hon. Members on the front benches opposite had joined in a factious opposition to the Bill, he stated what he believed to be perfectly true. He did not complain of the opposition of the hon. Member for Hackney (Mr. Fawcett)—it was nothing more than was to be expected from the views he was known to hold; but when the right hon. Member for Bradford (Mr. W. E. Forster) repeated over and over again arguments they had all heard, they had a right to believe his intention was to delay the Bill. As to his statement that right hon. Gentlemen on the front bench on that side did not join some of them when they were actuated by a deep interest in the welfare of the country, he well recollected one particular occasion, when they protested against the Ballot being introduced into the Education Act, and his friends on the front bench, as soon as they saw the opposition was becoming warm, left the House. The right hon. Gentleman had on that occasion called him to task for continuing his opposition after his Leaders had left the House, but as an independent Member, he thought he was justified in pursuing the course which he then took. After that the right hon. Gentleman made a conciliatory speech, and matters ended very pleasantly. As to what he had said before, he would merely observe that he felt it to be true, and he was glad to hear the right hon. Gentleman's denial. It would be difficult for him and those who supported him on the other side to say anything more on the subject; but whether it was or not, he could tell them that he and those with whom he acted were nothing willing that Parliament should be prorogued before passing a measure which they entirely approved. He did hope that the Bill might now be allowed to proceed.

*Mr. Gladstone*



**MR. GATHORNE HARDY:** I hope that nothing which I may say will give cause for any of that excitement which was yesterday so prevalent. When the right hon. Gentleman opposite (Mr. Gladstone) referred to me as being prepared to reply to the speech of the right hon. Member for Bradford (Mr. W. E. Forster) he spoke quite correctly. I did intend to reply to the speech, until I perceived what an extraordinary course he was taking. The right hon. Gentleman after going into the subject at great length addressed to the Government a series of interrogations of a most minute character, not only with respect to the question before us, but with regard to our conduct generally in reference to this Bill. He accompanied these interrogations with those looks at the clock which are not unfrequent as the hour of 6 is approaching on Wednesdays. It was then left to me to reply at a moment when I might be the means of talking out the Bill when we wished for a Division, and I was determined not to fall into the snare. It was not, therefore, from any disrespect to the right hon. Gentleman nor because I shrank from the responsibility of the view we take with respect to the Endowed Schools Commission that I declined to prolong the discussion. As to myself, I think as was shown by the hon. Member for Finsbury (Mr. W. M. Torrens) yesterday, I have been entirely consistent in my opposition to the Commission. It is said that the Government have been wanting in courtesy to the members of it—a remark which is, of course, meant for the Department with which they are brought into contact. I am not aware, however, that the Commissioners have sought any conferences with that Department. I believe that although on many occasions the right hon. Gentleman the Member for Bradford said he had conferences with them, that, as a general rule, their schemes were prepared in their own office. [Mr. W. E. FORSTER: I was in constant communication with them.] I am not aware, so far as my noble Friend near me can inform me, that on any occasion any personal conference on any one of the schemes of the Commissioners has been demanded. I would further remind the House that this Commission is not a permanent body. It was appointed only for a limited time, and the late Government last year evidently felt

that its proceedings needed careful inquiry, for they themselves suggested a Committee. And why? Partly because the Act did not work well, and partly because it was desirable to ascertain not only what were its proceedings, but what had been the motive for those proceedings. That Committee held a long investigation, and in my opinion some of the language which has been used with regard to their inquiry is not altogether Parliamentary. The hon. Member for Hackney has spoken of the Committee as having pursued a line of conduct which was absolutely dishonourable. [Mr. FAWCETT: I beg to deny having made use of such language.] The hon. Gentleman spoke with great warmth, and he said that the questions which had been put to some of the Commissioners with the view of discovering their opinions—which, he contended, had no bearing on the subject—were absolutely dishonourable. If, however, any one looks at the proceedings of that Committee they will see that they were conducted amicably, notwithstanding any differences of opinion; and there was no such charge made against any one of us in pursuing those inquiries. But it was most material that those opinions should be elicited for many reasons, and for one in particular—namely, that the Commissioners had given the Governing Bodies powers which were above all preceding law. They threw into the hands of the new Governing Bodies the power to make any changes they thought fit—either to purely secularize, or to adopt any kind of religious instruction. Mr. Roby was asked, in order not to bring Christian denominations into conflict, a question to test the principle—"Then, in your opinion, if there were a majority of Mahomedans on the Board, you would give them power to appoint a Mahomedan teacher?" And Mr. Roby said, "Yes, he would." It therefore became very material. The right hon. Member for Bradford, being in the Chair, was not called upon to vote; but the following passage of the Report was unanimously agreed to:—

"The published opinions of some of the Commissioners on the subject of endowment have caused alarm, and have in some cases seriously impeded the harmonious action which might otherwise have been secured between them and the Governing Bodies of the charities with which they have had to deal."

The next part of it was voted for by the

right hon. Gentleman the Member for the University of Edinburgh (Mr. Lyon Playfair) and by a large majority of the Committee, and is as follows:—

"Their own experience, as they state, in attempting to work the Act has convinced them that the country was hardly prepared for its reception, and it is to be regretted that some of the changes proposed by them, especially in the cases of certain good schools, should have been such as to hinder the hearty co-operation of those who had heretofore worked to render them efficient."

The charge to which the Committee gave its sanction is this—that the Commission did not work in harmony with the trustees who were making a school good, on account of the views which they held as to the necessity of interfering with every Governing Body, however excellent it might be in itself. When, therefore, the right hon. Gentleman the Member for Greenwich says we had displaced a Commission which was doing its duty, my answer is, that the Commissioners displaced over and over again Governing Bodies who were doing their duty, because they wanted to establish the theory that there should be an elective principle, thus in many cases disturbing excellent arrangements. The Commissioners introduced a new element which might do good, but which at all events did this harm—that however well a Governing Body might have conducted their business, there was no security against their being deposed. The part of the Report to which I have referred was put as mildly as it could be, because we did not wish to speak too harshly of the Commission, and who, I would now ask, is asking us to continue it? Is it the Commissioners themselves? Are we to suppose that they wish to force themselves on a reluctant Government? Is it hon. Gentlemen opposite who think thereby to advance the position of the Commissioners? Is it not, I would ask, far better that we should take a body which is independent, which is comparatively permanent—of which we have had experience, and which is perfectly willing to undertake the duties we desire to impose upon it? Nay, more, it is the body under the Endowed Schools Act itself which has visitorial powers and which is to take the future charge of these schools. If such a body be qualified to take charge of the future, it is qualified to take charge of the present, and to bring those schools into a

perfect condition. I remember a time when the Charity Commissioners were spoken of as having done much to improve these schools, and of having in many cases brought them up to a higher standard, and they are prepared to do it now. My reasons for supporting the Bill, therefore, are clear and distinct. The published opinions and the action of the Endowed Schools Commissioners have not only set the trustees of the country against them—they have given rise to suspicion, which creates a reluctance to act with them; and why, under these circumstances, should we prolong their existence? The schemes prepared will have at last to be submitted to the Government, and Government will have an opportunity of revising or putting a stop to them. But suppose Government accepts them, they will still have to be laid on the Table of the House, and therefore no purpose could be served by appointing Commissioners who would act as corrupt tools of the Government. It seems to me, therefore, that the charge of harbouring such a design is most unfair. We want an independent tribunal, and we think we have got it in the Charity Commissioners. It is not as if the Charity Commissioners had asked to be appointed, because they could do the work better—as the right hon. Gentleman said, they have too much good taste—but we went to them as an independent body, and asked them to undertake a duty which they are willing to undertake, and in a condition to undertake with effect. I must decline to follow hon. Members into topics which relate to subsequent parts of the Bill. There is no part of it on which we are not prepared to afford the fullest information—no part on which we wish for any concealment—but we are at present dealing with only one part. When we come to deal with the other clauses we shall be perfectly frank in our explanations. We say it has been proved to our satisfaction that the Endowed Schools Commissioners during their tenure of office—it might be through no blame of theirs—have alienated many large bodies of the friends of education throughout the country; and on that account we consider that their duties will be much more fitly executed by the independent Charity Commission.

Mr. W. E. FORSTER denied that he had had any desire on the previous

*Mr. Gathorne Hardy*

day to "talk out" the measure. It was true he had looked at the clock, but this he had done in order to allow time to the right hon. Gentleman for a reply, and there had been time enough after he sat down for both the reply and a division. He had felt it incumbent on him to go over the arguments which had been used, and to show that there was no foundation for the reasons given for the dismissal of the Commission, and, moreover, that the reasons were in themselves contradictory. The right hon. Gentleman, in the speech he had just delivered, asserted that the Commissioners had appointed too many elective Governors, and that appeared to be the sole ground of his opposition to them. [MR. GATHORNE HARDY: What I complained of was the unnecessary interference with good working bodies.] The Vice President of the Council had relied mainly upon the opposition of some Dissenting Members to the Commissioners; and if he (Mr. Forster) had been at all warm in his remarks on the previous day, it was the recollection of the words of the noble Lord on this point that had made him so. It seemed to him that the noble Lord must have been very hard driven indeed for a reason for getting rid of the Commissioners when he felt obliged to give that one. They had now got from the Government the statement, however, that the great ground for their condemnation of the Commissioners was their want of co-operation with trustees. In that case, he would repeat the question asked by his right hon. Friend the Member for Greenwich—namely, why the Education Department themselves had not sought to ascertain by communication with the Commissioners, as well as by other means, whether it was true that they had disagreed with many bodies of trustees; and, if so, whether it was the trustees or the Commissioners who were to blame for the disagreement?

MR. GOLDSMID declared that, opposed as he was to some of the subsequent provisions of the Bill, he, for one, would vote for that clause, as it would be voting for the disestablishment and disendowment of the present Commission. He had no personal motive in doing so, for he was not acquainted with either of the three Commissioners. Whether the Commission had acted

acted *suaviter in modo*; and that was, at all events, one, if not the main reason of its unpopularity. Above all, that remark applied to the President of the Commission (Lord Lyttelton). He was ready to admit the great learning and knowledge of the noble Lord; but he believed the noble Lord himself, with that truthfulness which was said to be one of the most remarkable points in his character, would himself acknowledge that he did not possess the qualities which were described by the words *suaviter in modo*. It would be said that that was merely prejudice; but he had been led to the conclusion that the public feeling on this subject had foundation by various circumstances, and *inter alia* by a most remarkable correspondence which he had seen. He was not a "Skinner," but living close by, he knew something about Tunbridge School. That school was at present regulated in a way which he, for one, could not entirely approve, and the inhabitants of the neighbourhood and the Skinners' Company were most anxious that a reform should be carried out. Two years ago, a scheme was submitted by that Company, and a readiness was expressed to bow to the decision of the Commission. An Assistant Commissioner was sent down to make inquiries, but from that day to this nothing further had been done with the exception that a correspondence had passed which proved conclusively that the noble Lord did not possess the qualities to which he had just referred. If any other proof was wanted, it could be found in the words of the noble Lord himself, where he said in his published opinions that "All those who have opposed me on these schemes are shallow sciolists"—whatever he might thereby mean. For his part, he (Mr. Goldsmid) would go far beyond the noble Lord the Vice President in his desire to liberalize the schools. He did not think that they were yet liberalized half enough. But the Commissioners, in their attempts in this direction did not pay sufficient heed to public opinion, and the result had been peculiarly unfortunate. They had set people against them, who had been and would have remained their warm supporters. Nay, more than that, he did not think the Commissioners had done what work they had accomplished in a sufficiently short space of time. They had passed only 74 schemes in five years, and if that were

to continue to be their rate of progress, at least 50 years would be needed to get through the whole of the endowed schools. He desired to see more rapid progress made. He thought one of the great reasons why the progress had not been rapid was the opposition that had been raised to the Commissioners, because they were men to whom the phrase *suaviter in modo* could not be applied as far as concerned their proceedings under the Endowed Schools Act. He knew that Mr. Roby and Canon Robinson had worked very hard; but that was not a reason for continuing them permanently on a Commission whose rate of progress had been so slow. He was of opinion, therefore, that the work might be conducted much more liberally, and that it ought to have been done much more quickly. He believed, also, that the Government would be able to find men who were capable of doing the work much more rapidly than the present Commissioners. He did not say that he entirely approved the body to whom it was proposed to transfer the work. He would rather see men fresh to the work appointed. But still, it was impossible for him to vote to keep the present Commissioners in office; and he must say he did not see why Gentlemen on the Opposition side of the House should object to the employment of the Charity Commissioners, because, if he was correctly informed, most of those gentlemen were appointed by the right hon. Gentlemen who sat on that side. In conclusion, he would throw out a suggestion to the Government. Would not the difficulty in connection with the Bill be got over if the Government were to content themselves with passing the first three clauses, and were to abandon the 4th, 5th, and 6th, to which he (Mr. Goldsmid), in common with a large number of hon. Members, would offer his most determined opposition? He thought that this plan would facilitate the course of Public Business, and would meet with the acceptance of both sides of the House.

MR. HARDCASTLE said, the question between the right hon. Gentleman the Member for Greenwich and himself was this—that he (Mr. Gladstone) argued that the list of subscriptions for the rebuilding of the Manchester Grammar School was the result of the legislation of 1869, whereas he (Mr. Hardcastle)

ventured to say that the list was not influenced in any degree by that Act. The position of the Manchester Grammar School was this—In 1849 a decree was made by the Court of Chancery for the re-organization of that school. By that decree, the masters, who were allowed to take boarders into their houses, were prohibited from so doing; and the Board of Trustees, who had previously consisted of seven gentlemen, most of them noblemen and large landed proprietors of the county, were ordered for the future to consist of 12 gentlemen taken from Manchester and the immediate vicinity. The first 12 trustees were named in the decree. Some of them were Nonconformists. The decree did not contain any directions on the subject; but the practice had been to appoint an equal number of Churchmen and Nonconformists. The result of the prohibition against the masters taking boarders had been to materially reduce their income. In 1866 a scheme was proposed for taking into the school boys in addition to the free boys upon payment of 12 guineas a-year. The number of free boys was fixed at 250, and it was supposed, as the result had proved, that a very large addition would be made to the income of the masters by the permission to take in boys on the payment of 12 guineas a-year. That scheme was sanctioned by the Lords Justices in 1867, and it was in consequence of the large increase of scholars that thereby resulted, that subscriptions were opened in 1868 for the purpose of extending the buildings so as to provide adequate accommodation. He understood that the right hon. Gentleman had stated upon information which had reached him that £10,000 only of the large sum of £50,000 which had been subscribed was subscribed in 1868 prior to the passing of the Act, and the right hon. Gentleman inferred that the subscription of £40,000 was the result of the passing of the Act. The subscription was begun in 1868, and he (Mr. Hardcastle) did not think that because the subscription was continued in 1869, the right hon. Gentleman was entitled to say that the subscription was influenced by the Act of 1869. Mr. Langworthy, whose name had been mentioned, and always with great honour, commenced the subscription by giving £5,000 in 1868; and he subsequently gave, including legacies,

Mr. Goldsmid

no less than £15,000 out of the remaining £40,000. If that gentleman gave £5,000 in 1868, before the passing of the Act of 1869, it was only fair to say that he was uninfluenced as to the subscriptions which he subsequently gave by the Act of 1869. Moreover, in a letter written on the subject the solicitor to the schools said that the subscriptions were not pushed in 1868, because a subscription list was before the public that same year from Owens College; and that the authorities did not regard the Act of 1869 as beneficial, but the reverse. He appealed therefore to the House whether the right hon. Gentleman was right in saying that the Act referred to had been the chief cause of the subscriptions being raised. He believed the Manchester Grammar School would not be influenced by the Bill now before the House; and if the right hon. Gentleman would only use his legitimate influence with the party which he led, so as to allow the Committee to reach Clause 4, he (Mr. Harcastle) believed he should be able to show that that was the case.

MR. FAWCETT said, the right hon. Gentleman the Secretary of State for War was mistaken in supposing him to have said that the Committee appointed on the subject had acted dishonourably. He would not presume to speak so disrespectfully of a Committee of that House. The Commissioner to whom he alluded was asked two distinct sets of questions, one relating to his own opinion of the Act he was called upon to administer, and another set of questions which had nothing whatever to do with him as a Commissioner or administrator, but related to his opinions as a private individual. This Commissioner expressly stated to the Committee that he thought he was bound to apply these opinions as a Commissioner, yet when he was asked his private opinions, he with great frankness gave expression to his opinions. Now, what had been done was, that these private opinions of this Commissioner had been industriously circulated in order to prejudice the public against him, and in order to make that House and the public believe that these were the opinions that actuated him in carrying out the Act. That conduct he characterized, as he did still, as dishonourable. The Committee were not in the least responsible for it, but he thought the Secretary of State for

War knew who was. Now, with regard to the question they were called upon again to discuss, they were placed in a great difficulty, because they never got from the Government from day to day the same opinions. What was the final decision of the Government on this subject? The Vice President of the Council distinctly stated in his first speech, that no responsible Minister would maintain that these endowed schools were national schools, but that they ought to be given to the Church; and his charge against the Commissioners was, that they did not administer those endowments in the interest of the Church, but in the interest of the nation. Then the Home Secretary said the Commissioners had administered the Act in an undenominational spirit. They had heard nothing of denominationalism or undenominationalism that evening, and on Tuesday the Prime Minister did not say the Commissioners had interfered with schools they ought not to have interfered with, but that they had incurred unpopularity with the trustees; and now the Secretary of State for War came forward with a new charge—that they had interfered with schools they ought not to have interfered with. He entreated the House to consider whether the Commissioners were not bound to do what they had done by the Act of Parliament? Were they, then, going to dismiss them for doing what they were compelled to do? They were bound to administer the Act, and they had done nothing but what they were bound to do. If any charge could be preferred against them, it was that they had not carried out the Act so stringently as they ought to have done, and had, in fact, left too much power in the hands of the trustees. If the Commissioners were to be so dismissed, all he could say was, that should that be the future policy of the Government, they would cease to be considered the Constitutional party, for they would strike one of the most deadly blows at the continuance of constitutional government. The Vice President of the Council had been injudicious enough to insinuate that the opponents of the Bill were not influenced by regard for the education of the people, but from regard for the Commissioners. The fact was, the opponents of the Bill held it to be absolutely fatal to the permanence of



constitutional government in this country that a Commission should be dismissed because they had faithfully carried out an Act of Parliament. The Secretary of State for War had said the Commissioners had not asked that their powers should be continued.

MR. GATHORNE HARDY: Pardon me—I never said anything of the kind.

MR. FAWCETT expressed his regret at having in the least degree misrepresented the right hon. Gentleman; but his words certainly conveyed that meaning to his ears, and to those, he believed, of several hon. Members near him.

MR. GATHORNE HARDY: What I did say was—Are we to suppose that the Endowed Schools Commission would wish to force themselves on a reluctant Government?

MR. FAWCETT contended that that was his point. By observing that policy the Government might get rid of any Commission. It was only necessary for the Government to express its reluctance—to make a few intemperate speeches, and then one of its Members could say—“Are we to suppose that the Commission would like to serve under a reluctant Government? The Vice President said the Act of 1869 was allowed to pass because the Conservative party were dazed and confused; but he wished to point out that although about 200 schemes were subsequently proposed by the Commissioners, only one was challenged in that House. Not one Member of the present Government spoke against, and two Members of the Government supported, the conduct of the Commissioners. Could the Government give a stronger proof of their inconsistency than this—that this Commission against whom they now brought so many distinct and varied charges, and 42 of whose schemes they had passed since coming into office, had not had one of its schemes objected to by the Government? The Government had utterly failed to prove that this Commission had neglected its duty or failed to carry out the Act which they were appointed to administer; and, in his opinion, the Commissioners had faithfully done their duty. They might depend upon it that if these Commissioners were dismissed, the country would come to the conclusion that the Government had done an unwise and unjust act.

MR. LYON PLAYFAIR: The clause which is now before us is the foundation of the whole Bill, and requires exhaustive discussion. The opposite side think that we are talking against time, but we are really fighting the preliminary and fundamental clause of the whole Bill. It proposes to extinguish the existing Endowed School Commission, and to substitute it by the Charity Commission. Surely we have a right to examine this proposal in all its bearings. Now, what is the first effect of the proposed change? To transfer the administration from a body of large experience to a new body with no experience at all. The present Commission has a wealth of experience. Take the case of one of its members—Mr. Roby. That gentleman acted as Secretary to the Schools Inquiry Commission for three years, and so obtained a knowledge of the defects and the merits of all the endowed schools of the country. After years of toil in this inquiry, after again acting as Secretary of the Endowed Schools Commission, he was placed upon it as a Commissioner. Subjected for days to the severest examination upstairs as to the objects, nature, and position of endowed schools, he left the Select Committee, of which I was a Member, with surprise and admiration of his inexhaustible knowledge of the subject. This man, with his abundant wealth of knowledge and experience, you are about to dismiss, so far at least as we know, and may replace him by an absolutely new man without experience of any kind. And this is true also, in a less degree, with the other Commissioners. The first point, then, to which I take exception is this—that you transfer the administration of the Acts to a Commission having no equivalent of knowledge or experience, and having no skill or aptitude in administering Acts already difficult and complex, but which will be rendered of infinitely greater difficulty and complexity by the obscure clauses which you heap upon these Acts by the Bill before us. I say that this is a pernicious error in the principles of administration. The Bill admits that the Charity Commission is unfit for the new duties which you propose to give to it, because it provides that even after new Commissioners are appointed, technical knowledge shall be given to them by the

appointment of Assistant Commissioners and others, so as to remedy their deficiencies in administrative knowledge. Now, it is the first principle of administration that it should be transparent and true, real and ostensible. This is violated by the Bill, for the Charity Commission knows nothing of its work, and must be propped up by persons that do. So that the real working men are not the responsible men, and the people of knowledge are not the administrators. But I go further, and I assert that the Charity Commission ought not to be the administrative body. It possesses by the Acts of 1869 and 1873, separate and distinct judicial functions in regard to endowments, and these will be absurdly confused with administrative duties by this Bill. Owing to these judicial functions, it ought to be kept entirely separate from the Endowed Schools Commission. Clause 24 of the Act of 1869, and Clause 3 of that of 1873 make the Charity Commission the final judge and arbiter of the doings of the Endowed Schools Commissioners. If the latter lay their hands on charities which ought not to be appropriated to education; if they declare that certain schools should belong to them, or should be transferred to the Education Department, the Charity Commission is the judge in the last resort between these bodies—the trustees and the public—and its judgment is final. But now, by this Bill, the Charity Commission is both defendant and judge in the same suit. Does this not show what inextricable confusion this Bill will produce in the administration of the Acts? Again, why should you add to the confusion by keeping all endowments below £100 under the Education Department? If that body, which in fact is responsible for this Bill, believes in the competency of the Charity Commission, ought it not to transfer all educational endowments to it? But here again you establish utter confusion between administrators and judicial functions. The Vice President of the Council is a Member of the Charity Commission, which is to administer the Acts. But the Vice President is also the judge against the schemes framed by that body. So that here again you constitute the same person defendant and judge in the same cause. Was there ever a Bill brought in containing such extraordi-

nary confusion in administrative and judicial functions? I do not again repeat the arguments which I adduced on the second reading of this Bill—that the Education Department ought to have been made the sole responsible administrative body, if changes were to be made. For the one great object of the Endowed Schools Act, is to connect the secondary with the elementary schools of the country, and to make them both subserve the purposes of promoting education among the great body of the people. But even if the Government disapprove of a single responsible Minister of Education, the arguments are very strong for at least keeping separate the endowed schools and the Charity Commission. The original construction of the Acts was based upon the separation, and defined their separate judicial and administrative duties, and I have shown that the Bill has failed to reconcile them. But further, as the Endowed Schools Acts deal with mixed educational and charitable uses of endowments, there was a clear advantage in carrying out the policy of Parliament in converting pernicious and pauperizing charities into productive educational uses, through the agency of a Commission which had education as its main object in view. But now you are to mix it up with the objects of the Charity Commission, which deals with these purposes in a purely legal and not economical sense. So that pernicious charities are likely to be perpetuated, and may not be converted into profitable educational use. What then is the argument of the Government for the change of administration from the old Commission to the Charity Commission? Only one answer has been given to this question, either by the Vice President or by the Chancellor of the Exchequer—namely, that there is to be a change of policy in the administration. That, then, is the fundamental subject under contention. What is this changed policy to be? We quite well know the policy of the Acts of 1869 and 1873. It is given in the Preamble of the Acts “to bring a liberal education within reach of the children of all classes.” But this policy is to be changed. [“No! No!”] Hon. Gentlemen cry [“No! No!”]—is it then to be preserved? If it is, what reason is there for changing the Commissioners? No one has alleged that



they have failed to carry out that policy. What then is to be the new policy? If it be not the policy of the Acts, it must be the policy of the Bill. You, Mr. Raikes have told us that we ought not to discuss the policy of the subsequent clauses at this stage, and I bow to your decision. But it is difficult to discuss this clause, when we are told by the Government that the necessity for it is their change of policy, without trying to extract this policy from the clauses of the Bill, as Government does not explain it in debate. The Chancellor of the Exchequer made early in the debate two irreconcilable statements—first, that a new and changed policy was to be inaugurated; and second, that it was to be the old policy proceeding on the lines of the existing Acts. Speakers from this side have asked for an explanation of this contradictory statement; but Ministers remain silent, and leave the debate to be carried on by us. If we can find out no explanation in speech, we certainly cannot extract it out of silence. But after your decision I shall not attempt to discuss the policy of the Bill as betrayed in its subsequent clauses, but try to extract it from the early and scant Ministerial speeches with which we have been favoured. If it were true that the policy is in future to be upon the same lines as the Acts, why change the Commissioners? If it be new policy, unfitted for the old Commissioners, who have carried out the Acts in a fair and honest spirit, surely we ought clearly to understand what this policy is before we entrust it to a new and untried Commission. Now the Vice President has told us more than once that his Department are keeping back 32 schemes of the Endowed School Commissioners, in order to modify them by the future new policy of the Government. Perhaps, by taking two of these cases, and considering what these now are, and how they may be altered, it will be possible to understand the changed policy, which as yet is the only alleged justification given to us for destroying a Commission of experience and passing over its duties to a Commission of inexperience. The two cases which I select are Portsmouth and Exeter. In Portsmouth there is a Church of England endowed school managed by an absent body—the Dean and Senior Scholars of Christ Church. These managers have paid small attention to

the school. In fact, for some years there have been no scholars at all in the school, though the master has enjoyed the salary. It was clearly an unfit managing body, for the result of its management was a school without scholars, and a teacher without anybody to teach. The Commissioners have prepared a scheme for its reform, and Christ Church consented to the introduction of the 17th clause, which popularizes the management of the school. In fact, in a burgh like Portsmouth, where political parties are keen and nearly balanced, this was essential. Well, everything appeared to be arranged, and Portsmouth had the prospect of an efficient school, when this Bill upsets everything. Lawyers on this side tell us that, even under the Vice President's Amendment, the 17th clause could not be applied to this markedly Church school, and lawyers on the other side are conspicuous—as, indeed, on these occasions Ministers generally are—by their silence. In all this debate, with the most obscure and complex clauses before us, the Attorney General has not spoken once, and the Solicitor General did not enlighten us in his speech by any legal knowledge, but only extolled the intentions of pious founders. Well, then, the case of Portsmouth would seem to indicate that the new policy of the Government is simply to go back to the original Church management, which having no sympathy in the town, has allowed the school to decay so completely that it had not a single scholar. Now let us turn to Exeter, which I select because my right hon. Friend the Chancellor of the Exchequer (Sir Stafford Northcote) knows the case well, and is, I believe, one of the existing trustees. In Exeter there are various endowments, notably a grammar school, a blue-coat school, and an endowment by Elias Hele, who, I rather think, was a Commonwealth man. The new scheme appropriates £600 a-year for the education of orphans and poor persons, then it establishes a grammar school for boys, a high school for girls, a middle-class boys' school, and an elementary school. This scheme was likely to prove of incalculable benefit to the city of Exeter, and was on the point of being accepted when this Bill comes in the way. The extreme Church party are now ex-



couraged by it to persist in their exclusive claims, and the new policy of the Government will probably encourage them in it. The high school for girls will, no doubt, drop, for it is one of the crimes of the old Commission that they have the trick of converting superfluous schools for boys into much required schools for girls. But as pious founders forgot girls in their schemes, or custom has excluded them, so the new policy of veneration for the Church, and veneration for the founders, is likely to break up altogether this well-considered scheme for Exeter. At all events, I give the Government an opportunity of illustrating to us by these examples what their new policy is. Until they do so they have no right to expect that we will give up our opposition to the transference of the powers of the Endowed Schools Commission to the Charity Commission, because we have heard no other intelligible argument for the transfer, except that it is necessary to carry out a changed policy in administration. This is surely not fair treatment to the House. You think us obstinate in our opposition to this clause, but you refuse to tell us why it is necessary. If we are to believe one-half of your speeches, when they tell us that the Government is not to make violent changes, but that they will proceed on the old lines, then we are right in contending that there is no justification for the violent change which you do propose to make in transforming an experienced into an inexperienced body of Commissioners. If, on the other hand, we are to believe the other half of the speeches, which portend a great change in policy, then surely it is not obstinacy on our part, but a just regard for the privileges of the House, that we should not grant you the clause till you fully explain the policy which necessitates it. But you take refuge in silence, conscious of the force of a great voting power, which surely in its exercise ought to be governed by the intelligence which you refuse to give either to your own side or to ours. If the changed policy which requires the destruction of an existing Commission be concentration of school property in the Church, recollect that your claims for the Church and our claims for the nation are both based on a broadening basis of religious thought. You claim the pre-Reformation schools

for the National Church because the nation in the 16th century accepted the broader basis of the Reformed religion. We, on this side, claim them for the nation, because, since the 16th century, religious thought has widened itself still more, and is expressed not by one, but by many Churches. The origin of our contention is the same, and you ought not to be surprised at the persistence of our opposition.

MR. OSBORNE MORGAN admitted that the Endowed Schools Commissioners had, in some cases, acted with a high hand, and in a sledge-hammer manner; looking upon themselves, to use a vulgar phrase, as "cocks of the walk." In a certain sense they were unpopular; but then it should be borne in mind that the work they had to do—namely, the correction of abuses—was unpopular work. The question was this—could the Government put their finger upon a single case in which the Commissioners had acted *ultra vires*, or deviated from their duties? He contended that the Government could not have picked out a more unfit tribunal for this purpose than the Charity Commissioners, who were a judicial body. The duties of the Commissioners might as well have been transferred to the Court of Chancery itself. The result would be that the whole matter would come to a deadlock. If this work was—as he maintained it would be—brought to a standstill, there would be, when the Conservative re-action was superseded by the Liberal resurrection—when that time came, if it ever came at all—there would be such an outcry at what the Government had done that the country would not be satisfied until the "pious founders" and endowments were consigned to—he would not say where.

MR. FAWCETT said, he had already stated his opinion that it was absolutely essential, before coming to a decision on the Amendment, that certain questions should be answered by the Government. He should repeat those questions, and if they were not answered at once, he should move that the Chairman report Progress. In the first place, did the Government repeat the charge made against the Commissioners, that they had administered these Acts of Parliament in a too undenominational spirit, and had devoted endowments to the nation which the Government wished to be, and intended, for the Church? Secondly,

were the Commissioners going to be dismissed, because they had carried out the Act in too undenominational a spirit; and did the Government wish or not that the future Commissioners, if any were appointed, should act in more undenominational a spirit? Thirdly, did the Government bring against the Commissioners, the charge that they had exceeded their powers by introducing the elective principle into schools where that principle ought not to be introduced; and, if so, in what instances? Fourthly, was there any foundation whatever for any one of these charges which had been brought by the Government against these Commissioners; and did the Government intend to justify their dismissal simply on personal grounds, such as those mentioned by his hon. Friend the Member for Rochester (Mr. Goldsmid)? Fifthly, did the Government wish the House to conclude that, in any single respect, these Commissioners failed to administer the Act which they were appointed to carry out?

Mr. DISRAELI said: Mr. Raikes, it seems to me that the hon. Member for Hackney rather misconceives the genius of Parliamentary debate. Our habit is to have discussion, ample and even adjourned discussion; and during those discussions we avail ourselves of every opportunity to elicit and obtain the opinions of our opponents on either side of the House. But it has not yet been a feature in Parliamentary debate that, when the discussion has closed and the division is about to be taken, either the Government or the Opposition should be catechised. Such a practice would rather remind us of that inconvenient rubric which has been referred to recently in our debates, in which the Catechism is insisted upon after the Second Lesson. I trust that neither side of the House will sanction the introduction of such a Parliamentary rubric; therefore I hope that we shall at once proceed to the division which has been called for.

Mr. FAWCETT was understood to say that he appreciated as much as any one the jokes of the Prime Minister. ["Divide, divide."] As the House refused to listen to him, he begged to move that the Chairman report Progress.

*Motion negatived.*

*Mr. Fawcett*

Mr. A. BROWN said, he thought that, after the long discussion that had taken place, the division should be taken at once. He would only say that, as it appeared to be admitted that the Endowed Schools Commissioners had done good service to the country, their services should be retained in some form or other.

Mr. MUNDELLA said, his sole object in rising was to make a personal explanation. Yesterday, in the heat and confusion of the last few minutes of the debate, he had used an observation with regard to an hon. Member which, upon reflection, he regretted having uttered. He thought it his duty spontaneously to withdraw that observation; because he should indeed be sorry if the debates of that House were not conducted with dignity and good-humour. He trusted, therefore, that, even if they should have to sit in that House until October, the hon. Member for Bury St. Edmunds (Mr. Greene) would find some turnips for his recreation and for the sake of his health. As the Prime Minister had referred to him in the course of the debate, he begged to suggest, as a means of putting an end to the battle on this subject, that, if the right hon. Gentleman had not sufficient confidence in the present Commission, the Endowed Schools Commission and the Charity Commission should be amalgamated. If the right hon. Gentleman would assent to that proposition, as he might with a good grace, the educational interests of the community would not suffer, as they undoubtedly would if this clause were passed.

Question put, "That the words be transferred to and imposed on the Charity Commissioners' stand part of the Clause."

The Committee *divided*:—Ayes 218; Noes 133: Majority 85.

*Clause agreed to.*

Clause 2 (Power to add to Charity Commissioners).

Mr. WHITWELL moved, in page 2, line 11, to leave out from "appoint" to "salaries," in line 16, and insert—

"a person to be a district Educational Commissioner, in pursuance of this Act, for each of the Registrar General's districts of England and

Wales, who shall hold office during Her Majesty's pleasure, and who shall prepare schemes for educational endowments, and submit them for the approval or rejection of the Charity Commissioners."

He contended that it was desirable to appoint local officers, in order to enlist the interest and sympathies of the different localities in the operation of the Act. The appointment, for each district, of a special Commissioner who would be associated with the central authority, would be much more advantageous in the way of enlisting local feeling in favour of the measure, than it would be to add to the central authority itself. The words of the Amendment he had taken from the recommendations of the Endowed Schools Inquiry Commission.

VISCOUNT SANDON said, the object which the hon. Member had in view commended itself very much to the attention of the Government. It was, no doubt, a very important thing that local feeling should be enlisted in favour of the public schools; but the Government was of opinion that that object would practically be met by the appointment of additional assistant Commissioners, which would probably be found necessary, who would not be always resident in London, and who would put themselves into communication with the leading people in the districts with which they were connected. He trusted that the hon. Member would not press his Amendment.

Amendment, by leave, *withdrawn*.

MR. KAY - SHUTTLEWORTH moved, in page 2, line 25, after "such," to insert "number of."

Amendment *agreed to*; Clause, as amended, *agreed to*.

Clause 3 (Salaries of Charity Commissioners and their Officers) *agreed to*.

#### *Amendment of Law.*

Clause 4 (Construction of "express terms" and "original instrument").

MR. A. BROWN moved to amend the first part of the clause, which says—

"In this Act and the Endowed Schools Acts the expression 'express terms of the original instrument of foundation,' shall be held to include any provision in the original instrument of foundation which enjoins the attendance of the scholars at the religious worship of any particular church, sect, or denomination."

He proposed to omit the words, "the attendance of the scholars at the religious worship of any particular church."

VISCOUNT SANDON said, that before he referred to the Amendment of the hon. Member for Wenlock (Mr. A. Brown), it might be convenient that he should state what Amendments in this clause Her Majesty's Government would be prepared to assent to. In the first speech he made on this subject he used these words—

"Her Majesty's Government did not propose any more than the right hon. Gentleman opposite (Mr. Forster) that members of the Governing Body should necessarily be of a particular creed, or that the masters of schools should be in Holy Orders."

He thought those words would have put the matter beyond the possibility of doubt, and would have served as a sufficient indication of the way in which the Government would administer the Act. But a misapprehension having arisen on the subject, they had carefully considered what Amendments might be made, so as to remove all possibility of misapprehension. The first fruits of their consideration was the Amendment of which he gave Notice a few days ago; but they were informed that an Amendment, which had been put on the Paper by the hon. Baronet the Member for East Devon (Sir John Kennaway) was much more acceptable to the leading members of the Nonconformist Churches. As he had already stated, his object was not only to let Nonconformists in, but to get them in, where suitable, as members of the Governing Bodies, and the Government were quite prepared to accept the Amendment of the hon. Baronet. That Amendment was in these words:—In Clause 4, line 18, at the end, to add—

"Provided always, That in every scheme within the provisions of section nineteen of the Endowed Schools Act, 1869, as amended by this Act for an endowed school under this Act and the Endowed Schools Acts, or any of them, the provisions contained in section seventeen of the Endowed Schools Act, 1869, shall be inserted and made applicable to one-third at the least of the members of the Governing Body, unless there be in the original instrument of foundation, any provision directing that the whole of the Governing Body shall be members of a particular Church or denomination."

The question that masters of schools should not necessarily be in Holy Orders would arise under a later clause. There

ment had given Notice, it would be better to re-construct Clauses 4, 5, and 6.

Mr. JACKSON said, he thought that some of the questions of principle which had been raised could be more conveniently discussed when the Committee were made aware how, if at all, the clause was to be amended, and on the question whether the clause, as ultimately amended, would stand part of the Bill. For his part, he objected to the clause altogether, because it further extended what he regarded as a dangerous exemption which was created by the Act of 1869, and received further development in the Act of 1873. The general enactment stated that all those endowed schools were not to be denominational, but national; that the nation would respect the founder's will as far as education was concerned, but would disregard it so far as he directed the particular manner in which his bounty should be applied. That principle was departed from in 1869 and again in 1873, and, inasmuch as he objected to the exceptions made by the Acts of those years, he also objected, and strongly, to their further extension by the present Bill.

THE ATTORNEY GENERAL said, that the earlier part of the clause was really an interpretation of the meaning to be given to the words, "express terms of the original instrument of foundation." It was intended that Clause 19 of the Act of 1869, which referred to any educational endowment which required the scholars to be instructed in any particular formularies, should have a larger interpretation than had been given to it by the Endowed Schools Commissioners. In 1873 a step was made in that direction, and now the question was, whether the interpretation sought to be given by Clause 4 was such as the Committee could accept. If it were found that by the original deed of foundation the children were required to attend church, and that since that time they had done so and been instructed in Church principles, could it be said that the words of the proposed clause gave a more extended interpretation than was contemplated by the Act of 1869? When it was found that there had been a uniform observance of the original foundation it was not asking too much that the interpretation adopted should be that given by the present Bill.

*Mr. Gregory*

Mr. SHAW-LEFEVRE pointed out that the Schools Inquiry Commission recommended that the policy now before the House should not be adopted. It was clearly intended by this Bill that a number of schools should be treated as Church schools which were not to be so regarded by the Act of 1869. Many of these, too, were pre-Reformation foundations. Now, he begged hon. Gentlemen to observe that formerly it was the law of the land that all children should be compelled to go to church, and it was not necessary for a founder to insert a clause in his will enjoining children to attend church in order to make it a Church school. All that founders really did was, not to declare that the children should attend church, but that they should attend church in a particular way, such as altogether, or upon particular days, such as saints' days. If the clause as it stood passed into law, the effect would be to convert many schools into purely Church schools, which would otherwise have been denominational schools.

Mr. WATKIN WILLIAMS said, he thought that the explanation given by the Attorney General presented this clause in a still more objectionable form, and it would be a real disgrace to their legislation to pass such a Bill. It appeared to him that it was desired by the Government to do violence in an unprecedented way to the words "express terms of the original instrument of foundation." Of course, it was possible by legislation to make "yes" mean "no;" but he thought it was extremely inadvisable to introduce language of so strange a nature into an Act of Parliament.

Mr. ALFRED MARTEN said, the clause did no more than give a definite meaning to the words "express terms" in their relation to the original instrument of foundation. The proposed interpretation proceeded on a principle which had already been recognized by the Court of Chancery and the Legislature. In his opinion the Committee might therefore fairly adopt the words.

Dr. LUSH said, he denied that founders, however estimable may have been the spirit in which they acted in their own time, had any right to stereotype their views on succeeding generations. The late Earl of Bridgewater left a large sum of money to be applied for the purpose of inducing men of science and

learning to write essays showing the power, wisdom, and goodness of God in the several acts of creation and providence. That was a most proper and admirable act at the time, and resulted in producing some very excellent treatises which fairly reflected the state of science at the time. Since then, however, science had made immense progress, and those books were left far in the background and were virtually obsolete. But if the Earl of Bridgewater had founded a professorship or endowed a college and provided that only certain theories should be taught, he would have been the means of perpetuating an immense deal of harm instead of doing good. For founders to claim a right to stamp their ideas on future generations was to assume a right to which they were not entitled; and holding those views and believing that founders' rights ought not to be respected to the extent to which the Bill recognized them, he should support the Amendment.

Mr. LAW said, he desired to raise the broad and distinct issue which this clause challenged. He denied that a direction that a child should attend a particular church was equivalent to a direction that it should be instructed according to the doctrines and formularies of that church. The whole history of the Church of England was entirely opposed to the contrary supposition; and the fact alone that 2,000 clergymen were expelled from the Church at the time of the passing of the Act of Uniformity was sufficient in itself to establish the accuracy of the ground he took. He should be glad to have an explanation as to what was meant by the proposal to admit fresh evidence with reference to these foundations.

Mr. HERMON said, he could have wished that the clauses had not been inserted in the Bill, and should be glad if the Government could come to the conclusion to withdraw them. Their passing would give to the Church of England something which she was not entitled to claim, and might be the means of her losing something which she was fairly justified in possessing. The Government, with a large majority at its back, could afford to be generous; and therefore he hoped they would give up those clauses, and so enable the House to proceed with really important business.

MR. DILLWYN commented on the drafting of the Bill, which he considered exceedingly imperfect, and remarked that the House was being detained at that late period of the year to pass an ill-drawn and obscure measure, merely to suit the convenience of the Government. With regard to the question immediately at issue, he pointed out that in regard to the majority of foundations the intentions of the founders were not shown by express terms with regard to religious instruction, their primary object being to give education. The great objection in former years was to the attempt to give effect to the express terms of the will of the founder to the exclusion of Dissenters, and that was the objectionable object aimed at in this Bill. He was opposed to the clause.

Mr. BERESFORD HOPE trusted the noble Lord who had charge of the Bill would not listen to the appeal that had just been made to him. The clause on which the Committee was now engaged was the substance of this Bill. He admitted that the wording of the clause might be improved; but he contended for a clear recognition of the express intention of the founder in substitution for the entangling technicalities of the existing Acts. The Members of the Select Committee of 1869 were surprised at the narrow and technical interpretation given to the words which they had agreed to, because they thought that these sufficiently defined the founders' intentions. Since then a thick haze seemed to have gathered round the matter. The question as to the intention of the founder was a question of right and of law, and which had to be ascertained by history and evidence. The object of the hon. Member for Swansea (Mr. Dillwyn) seemed to be to apply funds which had been bequeathed for the purpose of promoting religion and education to simply secular objects. Hon. Members on the other side of the House had argued as if there was no such thing as a Conscience Clause, and as if the provisions of this Bill would drive Nonconformists to schools where a kind of religious education might be given that was repulsive to their convictions. So long as there was a Conscience Clause he did not think that any injustice would be done to any child, whatever his religion might be, by adhering to the religious formularies, whether of the Church or



of Dissent, which embodied the historical origin of the school. Either there must be religion in some form or else secularism, and he knew no better way of reaching that form than to follow the one with which the school was identified. If the Government gave way on this clause they would cause discontent among many of their warmest supporters, and all over the country.

SIR FRANCIS GOLDSMID remarked that the hon. Member for Cambridge University (Mr. Beresford Hope) had said that in the Committee to which he had referred a considerable degree of haziness had prevailed, and he (Sir Francis Goldsmid) thought that those who had listened with attention to the observations of the hon. Member, would be of opinion that the mist had not yet entirely cleared away. He (Sir Francis Goldsmid) trusted that the Government, when they finally decided on their course respecting this Bill, would listen to the clear and sensible advice of the hon. Member for Preston (Mr. Hermon) rather than to the cloudy counsels of the hon. Member for Cambridge University. On the wording of the clause under discussion he (Sir Francis Goldsmid) had but a few words to say, because it was difficult for any observations to make plainer its intrinsic absurdity. It was proposed to declare by Act of Parliament that "express terms" should mean what was not express, but consisted of a number of inferences, more or less weak, one of them so feeble that it had already been very properly abandoned by the Government in deference to the opinion of the right hon. Gentleman the other Member for the University of Cambridge (Mr. Spencer Walpole). But the proposal became more amusing still when it was remembered that the reason given for it was the difficulty felt by the Commissioners in discovering the meaning of the phrase "express terms." He (Sir Francis Goldsmid) would mention a course of proceeding which would be strictly analogous to this. Let them suppose that two owners of adjoining estates or fields had been for some time puzzled to ascertain their exact boundaries, and had been painfully endeavouring to trace the line of some old wall or hedge. In the middle of the operation one of the proprietors might say to the other—"This is a very troublesome business, and I am not sure that after all it will

not leave me without some nice little bits of land for which I have a particular fancy. I have a proposal to make to you. Give me your field. The arrangement will be quite satisfactory to me, and you will be saved the trouble of completing this wearisome tracing out of boundaries, and also that of managing your land in future." Before sitting down he would suggest what might perhaps be the answer to the question put by the right hon. Gentleman the late Attorney General for Ireland as to the utility of the concluding direction of the clause—that "admissible" evidence should be "receivable." This sounded certainly like an enactment that white should be white; but probably the framers of the clause meant that although for the future "express" was to mean "inferential," yet there were still some words in the English language which were to have the privilege of retaining their ordinary meaning, even when applied to endowed schools.

MR. NEWDEGATE looked upon the clause as a perfectly reasonable one. Undoubtedly the intention of these founders when they directed the children to go to church was that they should be educated in the religion of the Church of England. The real value of this clause was, that it would enable the Commissioners to interpret the meaning of the founders with regard to religion. If hon. Gentlemen who were Nonconformists could only agree among themselves as to the definition of the term religion the difficulty in their case might be met; but as that agreement did not exist, he thought at least the majority of Nonconformists might be induced to accept the religion of the Church of England, properly understood, as a basis, since the Church of England was the Church of the majority of the nation. There should be established the principle of a Conscience Clause in such a sense that it would be impossible for any violence to be done to parental rights.

MR. W. E. FORSTER said, he was glad that the Prime Minister was now present, and he was sorry he was not present when the hon. Member for Preston (Mr. Hermon) said that as they had now decided the substance of the Bill, they should not fight over the shadow. He very much agreed with the hon. Gentleman, although not upon the same grounds. He thought that the prin-

*Mr. Beresford Hope*

ciples contended for by hon. Gentlemen on the opposite side of the House were not to be described as a "shadow," but they were very substantial principles indeed. This clause was to extend the 19th section of the present Act. He understood that the Government had given way with regard to the schools before the Toleration Act. Were the Nonconformists to admit that they were not so much the heirs of Protestantism before the time of Queen Elizabeth as the Church of England was? They were bringing up the whole question of the Catholic schools before the Reformation, and several hon. Members had very strong feelings in the matter. It seemed to him, the noble Lord (Viscount Sandon) in bringing forward this Bill could hardly be aware that he was bringing up these important questions. The Liberal Party could not accept the principle that the Church of England was necessarily the heir of the Protestantism which existed previous to the origin of Dissent; and they would certainly be doing so, if they admitted that the mere accident of the founder having said that the children were to go to church was to be interpreted as meaning that they should attend the Church of England as it existed at the present day. He trusted the proposal of the hon. Member for Preston would be adopted by the Committee.

Mr. GOLDNEY maintained that there was no new principle laid down by this clause, and that this was a mere change of words for the purpose of giving clearness to what the Commissioners wished to convey. The sole effect of the clause was, that instead of leaving the matter simply to the opinion of the Commissioners, they were to receive evidence. There was no religious principle involved beyond what was contained in Clause 19 in the original Act, and therefore all the alarm excited by this clause ought to have been excited when the Act of 1869 was before the House.

Mr. MORLEY said, he was anxious to urge on the Government, in common with the hon. Member for Preston, to save the House from the humiliating position in which they were placed at that moment. He had endeavoured to ascertain what was the real meaning of this clause, and he was unable to arrive at any other conclusion than that its object was to give power to the Commis-

sioners to rescue certain schools for the Church of England. That had not been avowed, but it was as clear as daylight. The hon. Member for North Warwickshire seemed to forget that many of these schools were founded when it was illegal to be a Dissenter, and when it was impossible to create endowments for the establishment of a school which should include Dissenters who did not exist. The working men had a great interest in putting a liberal construction upon the existing state of things, and there was not a workmen's club in the country which would not be the scene of agitation on this question. He believed that if two or three hon. Members from both sides of the House were to go into an adjoining room they would have no difficulty in settling this question in a way which would satisfy all but extreme parties on either side. Though a Nonconformist, he had been indisposed to enter into the ordinary conflicts on the subject of disestablishment; but if the clauses were pressed he and many others would be driven to take a more decisive course.

Mr. EDWARD STANHOPE said, though the precise wording of the clause might be somewhat obscure, there was really no difficulty in arriving at the intention of the Government in regard to this clause. Its object was to introduce a more precise definition of the express terms of the original instrument. He was quite ready to admit that in a certain number of schools, with regard to which there was at present considerable doubt, the religious teaching would in future be according to the principles of the Church of England. He did not see in what way that would injure Dissenters. They were going to put Nonconformists upon the management of a vast number of these schools, and the Boards of Management would very often be turned into battle fields of religious sects, and, perhaps, no religious education at all would be given. Their object was that there should be a religious education, and seeing that the children of Nonconformists would be admitted to all the benefits of these endowments, and protected by a liberal Conscience Clause, he hoped they would accept the compromise now offered by the Government.

LORD RANDOLPH CHURCHILL expressed a hope that the Government

would not accede to the suggestion of the hon. Member for Preston.

Mr. GOLDSMID said, everybody had agreed that the terms as they stood here would not do. That being so, and as, according to hon. Gentlemen opposite, there was no principle involved, why should the Government insist upon the clause? He hoped the wise and conciliatory policy advocated by the hon. Member for Preston would be adopted.

Mr. CHARLES LEWIS said, he had all along hitherto voted with the Government for this Bill, but he could not do so on this occasion. It must not be supposed that in voting for the omission of these words he was voting against religious education. He was not going to discuss the question as a lawyer, because it seemed to him not to be a question for a lawyer. They were asked by the particular words of the clause to strain the intentions of the founders of those institutions; and looking at the Amendment, he was forced to say he should feel bound to vote for it. There were to his knowledge many Members on the Ministerial side of the House who would feel great relief if some arrangement were made by which they would not be called upon to vote.

Sir THOMAS ACLAND said, he had no doubt that if the Government withdrew the Bill, and entered into friendly communication with the Commissioners, they might next year submit to the House another measure which would give satisfaction to the country. He thought it was unwise to go on with this entangling legislation, which could not possibly be understood by country gentlemen or farmers, and urged the Prime Minister, if he were not controlled by some Members of the Cabinet, to give way to the suggestions which had come from his own side.

Mr. J. G. TALBOT observed that the 19th clause of the Act of 1869 caused considerable discussion in the original Committee, and also in the Committee of last year, and an Amendment was proposed by the Secretary of State for War, which was negatived by the casting vote of the Chairman the right hon. Gentleman the Member for Bradford (Mr. W. E. Forster)—the numbers being 9 for and 9 against it. It was not at all unreasonable, seeing that the present Government had such a large ma-

jority, that they should attempt to modify that clause in the sense in which the minority of the Committee last year had sought to modify it. The hon. Member then quoted the opinion of Canon Robinson, one of the Endowed Schools Commissioners, in favour of a modification of Section 19 of the existing Act, which the Commissioners had been for five years trying to construe to their own satisfaction, but without success, and urged that the words of the present clause which it was proposed to omit—namely, “which enjoins the attendance of the scholars at the religious worship of any particular Church, sect, or denomination,” were words which, if anything could do so, stamped on any foundation a particular religious character. Hon. Gentlemen opposite did not like the idea that the Church of England should be the gainer by that change of the law; but he would remind Non-conformists that they could not leave that Church and at the same time enjoy all the advantages of belonging to it. They could not eat their cake and have it too. Having gone out of the Church for conscience’ sake, they now wanted to be precisely on the same footing in all respects as its members, and they would not even allow her clergy to teach her own doctrines to her own children.

Mr. LYON PLAYFAIR remarked that the hon. Gentleman (Mr. Talbot) had brought them back to the common-sense reading of the passage which they were discussing. If they took this clause in a broad, catholic manner, it would include particular sections, Churches, and denominations. Let them take the case of the Rochester school—a post-Reformation school of 1541. The statutes of that school, which were not repealed, provided that “on holydays the grammar boys be present in the church . . . every day when the holy mysteries are celebrated, and at the elevation of the host at High Mass,” and that the boys “by twos and twos” were to say the psalm *Miserere Mei*. What right, then, had the Church of England to say that those words, which were the words of the founder, were to mean afterwards that the boys were not to take any part in the liturgy of the Church of Rome? It would be taking the words in a non-natural sense to say that the Church of England was always the Church intended. It would be a

*Lord Randolph Churchill*



mockery to the founders to put such a meaning on the Church of England as the National Church, to identify it with the National Church of that period. The localities should severally have the benefit of the intention of the founders. The Church of England of the present day was totally different from the Church of England of that period.

MR. NEVILLE - GRENVILLE remarked that similar squabbles took place 30 years ago amongst Dissenting Bodies as to what were the desires of their founders. From those squabbles, opening many most vexatious law suits, the Tory Lord Chancellor of the day brought in the Dissenters' Charities Act, which allowed continuity to religious congregations, and which provided that congregations which had worshipped for 25 years in the same chapel, should enjoy the rights and privileges of those chapels. Could not a similar principle be adopted now? It would save a great many speeches and heart-burnings if that common-sense view of the matter were taken.

MR. MUNTZ said that, not approving of the conduct of the Commissioners, he had voted with the Government to replace them by the Charity Commissioners; but when he came to this 4th and following clauses, he confessed he did not understand them. He was not devoid of forensic capacity, and he had read the clauses over and over again, and just when his doubts were partially removed, they were renewed by the speeches which he heard from right hon. and hon. Gentlemen opposite. Did they mean anything, or did they mean nothing? If they meant nothing, what, he would ask, was the use of pressing them on? If they had any meaning, he wished to know what that meaning was. If the Bill were intended as a reactionary measure, nothing could be more dangerous, as it was sure to give rise to reprisals. It would be an attempt to repeal recent enactments, in defiance of a large minority in this House and a larger majority outside, and when the tables were turned there would be reprisals, and he need not remind the House that the result of future elections would be very uncertain. He considered that the 4th, 5th, and 6th clauses ought never to have been inserted in the Bill, and therefore he appealed to the Government not to press them.

MR. MARK STEWART said, that with the exception of the right hon. Gentleman opposite (Mr. Lyon Playfair), no hon. Member north of the Tweed had addressed the Committee on this clause, and he claimed to be allowed to say a few words on this question. The hon. Member for Preston (Mr. Hermon) had very manfully told the Government what his opinion was, and he (Mr. Stewart) must say that that opinion was shared by the people north of the Tweed. There was a very strong feeling in Scotland upon questions affecting Nonconformists, and he ventured to say that the opinion there was, that it would be most advisable if the Government, after the decisive victory which they achieved earlier in the evening, could see their way to yield to the suggestion made to them to withdraw this clause from the Bill. The argument advanced by the hon. Member for Bristol (Mr. Morley) was entitled to great weight, and if the Government would look fairly and dispassionately into this matter, they could not avoid seeing that it was not an unreasonable request that was being made to them. The great difficulty which he had in giving a vote on this occasion was that he could see that if the founders' wills were not to be respected they would be in great danger of drifting into a system of secular education, and there was no Gentleman in that House who deprecated more strongly than he did the establishment of any such system. This was not a question which he had approached for the first time, and he should use all his efforts, if necessary, to avert such a catastrophe happening. If they were to disregard the wills of founders who years ago left private property to private institutions, they would strike a most fatal blow at the security of property in this country; but the 19th clause of the Act of 1869 had met with a very fair response amongst all classes in the country and if they attempted to enlarge its scope he believed that it would give rise to bitter agitation which the Government would find it most difficult to allay. At the late period of the Session at which they had arrived, it was not too much to ask the Government to reconsider their decision in regard to this question.

MR. KINNAIRD was delighted to hear the speech of the hon. Gentleman

who had just sat down, and he thought it represented the feeling of Scotland on the question. The hon. Member was the latest Representative sent to the House from Scotland, and he hoped that the Prime Minister, who earlier in the evening had carried a very important clause, would listen to the energetic remarks which had fallen from him (Mr. Stewart). No man was more aware of the feeling of Scotland on the subject than the right hon. Gentleman the Prime Minister; and the sound principles which he had enunciated, and to which he (Mr. Kinnaird) had listened with so much pleasure on another Church Bill, had earned for him an amount of support from Scotland which he (Mr. Kinnaird) could tell him would render him good service. He trusted, therefore, that he would accede to the request which had been made.

MR. WATKIN WILLIAMS said, the House had a right to an answer to the question put to the Attorney General, as to the meaning of certain words in this clause—namely—

“Any evidence admissible by law shall be receivable as evidence of the contents of the original instrument of foundation, and of statutes and regulations made by the founder or under his authority.”

The effect of the clause seemed to be this—that where the deed of foundation required that the scholars should go to church, it should be held to mean that certain particular tenets of religion should be taught. But what he wanted to know was, what was the meaning of the provision that where the original deed of foundation was not forthcoming, evidence might be receivable to show its contents?

THE ATTORNEY GENERAL observed, that the words referred to had been introduced into the clause “out of abundant caution.” The Commissioners, if directed to observe the will of the founder, might have been in some difficulty if the deed of foundation were not forthcoming; and it was to meet this difficulty that the words had been introduced, that they might proceed according to the ordinary law of evidence to receive proof of the contents of that document.

MR. WHITWELL objected to the clause as endangering some of the most sacred principles which they wished to recognize in this Bill. They were deal-

ing by an *ex post facto* interpretation clause with the will of the founders.

MR. RUSSELL GURNEY admitted that there was considerable difficulty in coming to a clear understanding as to the meaning of a negative clause like Clause 19, which had been so much referred to. The words of Clause 4, providing that—

“It shall be held to include any provision in the original instrument of foundation which enjoins the attendance of the scholars at the religious worship of any particular church, sect, or denomination.”

were exceedingly reasonable, supposing they applied only to times when there were different Churches; but that was already provided by the Act of 1873. In the case of schools founded before the Toleration Act, when there was but one Church, the requirement to go to church simply meant that the children should attend public worship, and it could not be necessarily inferred that it was intended that all future scholars should be taught the doctrines of the only Church then existing. Unless that difficulty was removed, he did not see how he could vote against the Amendment. The clause was by no means an easy one, and he, for one, could not see what was to be gained by passing it. He therefore thought it would be a much more advisable course that this clause should be omitted.

MR. W. E. FORSTER said, that several Members on the other side of the House had asked the Government not to proceed with this clause. It was usual when there were appeals from the supporters of the Government—and especially from important and influential supporters—for the Government to inform the House whether they considered these appeals had any weight. [“Divide.”] He thought they could hardly come to a division without that information.

MR. CHARLES LEWIS moved that the Chairman should report Progress.

MR. DISRAELI said: I think that at this time of the night, and under all the circumstances of the case, the Motion is not an unreasonable one.

*Motion agreed to.*

*House resumed.*

Committee report Progress; to sit again *To-morrow*, at Two of the clock.

*Mr. Kinnaird*

# REGISTRATION OF BIRTHS AND DEATHS BILL.—[BILL 80.]

(*Mr. Sclater-Booth, Mr. Clare Road, Mr. Asheton Cross.*)

## COMMITTEE.

Bill considered in Committee.

(In the Committee.)

Clauses 1 to 9, inclusive, *agreed to*.

Clause 10 (Information concerning death, where deceased dies in a house).

DR. LUSH moved to report Progress, on the ground that the Bill had come upon them by surprise.

MR. SCLATER-BOOTH opposed the Motion.

Motion, by leave, *withdrawn*.

Clause *agreed to*.

Clauses 11 to 19, inclusive, *agreed to*.

Clause 20 (Registration, where no medical certificate of cause of death) *struck out*.

Clause 21 (Alteration of Registrars' districts).

MR. SAMPSON LLOYD moved, in line 40, after "districts of," to insert—"Superintendent Registrars (and this notwithstanding such districts have been heretofore temporary districts), and also the districts of."

MR. SCLATER-BOOTH objected to the Amendment.

Amendment, by leave, *withdrawn*.

Clause *agreed to*.

Clauses 21 to 28, inclusive, *agreed to*.

Clause 29 (Certificate of birth having been registered).

MR. SAMPSON LLOYD moved to leave out the clause, on the ground that it would considerably diminish the scanty remuneration of the Registrars, by allowing a certificate to be obtainable for a fee of 3*d.*, whereas the present fee was 2*s.* 6*d.*

MR. SCLATER-BOOTH regarded the clause as a very valuable one in the interests of the public at large, and promised that if it injuriously affected the remuneration of the Registrars he would consider how it could be remedied.

Amendment, by leave, *withdrawn*.

Clause *agreed to*.

Clauses 30 to 36, inclusive, *agreed to*.

Clause 37 (Register when not evidence).

MR. SAMPSON LLOYD moved, in page 15, line 31, to leave out "three months," and insert "forty-two days."

Amendment *agreed to*.

Clause, as amended, *agreed to*.

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Clause 38 (Penalty for not giving information, complying with requisition, &c.).

MR. LYON PLAYFAIR moved, in page 16, line 12, after "body," to insert "or who fails to give the same, or"

MR. SCLATER-BOOTH thought a compulsory registration in the case of death unnecessary, as it was substantially so at present.

MR. WHALLEY supported the Amendment, so as to guard against the surreptitious burial of those living in convents and monasteries.

Amendment *negatived*.

Clause verbally amended, and *agreed to*.

Remaining clauses *agreed to*.

Bill reported; as amended, to be considered upon Monday next, and to be printed. [Bill 224.]

# LOUGH CORRIB NAVIGATION BILL.

(*Sir Michael Hicks-Beach, Mr. Attorney General for Ireland.*)

[BILL 218.] SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Sir Michael Hicks-Beach.*)

CAPTAIN NOLAN complained of the manner in which the Bill was being hurried forward, and moved that the second reading should be postponed until his constituents had an opportunity of considering its provisions.

SIR ARTHUR GUINNESS hoped the Bill would be at once proceeded with, as the works—commenced during the time of the Famine and then abandoned—had since remained a nuisance to the neighbourhood.

Question put.

The House divided:—Ayes 64; Noes 31: Majority 33.

Bill read a second time, and committed for Monday next.

# TICHBORNE PROSECUTION.

## MOTION FOR RETURNS.

MR. WHALLEY, in moving for Returns of which he had given Notice, said, the Secretary of the Treasury had already stated that the expenses of the prosecution amounted to £50,000; but the Return was entirely fictitious—"Oh,

oh!"] He wished to be as temperate as possible in his observations; but there had never been a more gross mal-administration of justice in the history of this country. It had created a great deal of dissatisfaction throughout the country, and public meetings were being every day held in reprobation of it, and spreading the dissatisfaction. They heard nothing of those meetings, because they were not reported in the newspapers.

Mr. DODDS seconded the Motion.

Motion made and Question proposed,

"That there be laid before this House, further Returns of the Expenditure on the Tichborne Prosecution, specifying the sums paid to witnesses called who gave evidence, and also to such persons as were subpoenaed or brought to London, but were not called upon to give evidence:

"And of the sums paid to officers of the Detective Police Force or others who were employed to obtain evidence, in this Country or elsewhere, in support of the Prosecution."—*(Mr. Whalley.)*

Mr. W. H. SMITH declined to go into the question of the trial. The Motion was, for the most part, unprecedented, and therefore he could not agree to it. The accounts, however, would undergo the strictest audit.

Question put.

The House divided:—Ayes 4; Noes 45: Majority 41.

#### POST OFFICE SAVINGS BANK BILL.

On Motion of Mr. WILLIAM HENRY SMITH, Bill to amend the Law relating to the payment and repayment, by the Commissioners for the Reduction of the National Debt, of moneys received in and to the accounts relating to the Post Office Savings Bank, *ordered* to be brought in by Mr. WILLIAM HENRY SMITH and Lord JOHN MANNERS.

Bill *presented*, and read the first time. [Bill 227.]

House adjourned at half after  
Two o'clock.

#### HOUSE OF LORDS,

Friday, 24th July, 1874.

MINUTES.]—PUBLIC BILLS—*First Reading*—Evidence Law Amendment (Scotland)\* (198); Police Force Expenses\* (199).  
*Committee—Report*—Revising Barristers (Payment)\* (175); Mersey Channels\* (182).

*Mr. Whalley*

*Third Reading*—Rating\* (168); County of Hertford and Liberty of St. Alban\* (167); Customs (Isle of Man)\* (165); Industrial and Reformatory Schools\* (180), and *passed*.

#### SPAIN—THE CIVIL WAR—ALLEGED AID BY THE FRENCH.—QUESTIONS.

EARL RUSSELL: My Lords—Before I put the Questions of which I have given Notice, I trust your Lordships will allow me to preface them with some observations. My Lords, at the commencement of this century, Mr. Pitt, in the great speech he made in proposing a warlike Motion, spoke of a country consecrated by heroism, and by the blood shed in its wars. I can say as much with respect of the land of Spain. It has been hallowed by the grave of Moore; it has been illustrated—I may say immortalized—by the victories won on its soil. It is impossible to travel a day's journey from Badajoz to Pampeluna and not pass some place that has been made illustrious by the victories of the immortal Wellington. These are reasons why we should take an interest in Spain—I do not say to the extent of interfering in her civil wars, although something might be said in favour of that course. In the year 1834 a Treaty was signed, in the month of April, and was afterwards confirmed and extended in August, by which England, France, Spain, and Portugal bound themselves in a cordial alliance to do all in their power to drive Don Carlos out of Spain. That Treaty was signed by two men who are no longer living—Prince de Talleyrand and Lord Palmerston, and these men were no novices in diplomatic affairs. In consequence of that Treaty, Don Carlos was pursued by warlike operations and driven out of Spain. I am not going to ask your Lordships to undertake a similar treaty or similar operations; but what I do ask is that Spain shall be treated with the common courtesy that is due to a civilized nation; and that, having a President and an Executive Government—in short, exactly the same sort of Government that now prevails in France—there should not be any unnecessary delay in recognizing her as one of the Powers of Europe. I do not ask any Question on this subject, because, of course, that must remain in the discretion of Her Majesty's Government—I mean the determination as to when the time shall have come, when

the period shall be arrived, when that recognition can be properly given. I do not wish to interfere at all with the discretion or judgment of Her Majesty's Government upon that subject. I conclude—and I am entitled to conclude—that when that time has come the noble Earl the Secretary of State for Foreign Affairs will no longer delay that recognition. At present, it is the great misfortune of Spain that she has no recognized Government, and that the Minister whom she has sent here—a most able and fit Minister—to represent her in this country, has not been received. But, my Lords, what I refer to especially are the rumours that have lately prevailed, and which go to show that the French Government has not only refused to recognize the Government of Spain—has not only abstained from any friendly action towards it—but has interfered in a manner contrary to all friendly relations, contrary to the Law of Nations. My Lords, these matters have been published in *The Times* and in all the English newspapers, and being published in them, I may say that they are known to all Europe. It is stated that on the frontier of France, instead of the Carlists who had crossed it being sent—as they would have been sent during the preceding French Government, or during the Governments of Louis Philippe or any previous Government, into the interior, and not allowed to recross the frontier—it is alleged that such persons—persons engaged in armed rebellion against the Government of Spain, have been furnished—are now furnished—with passports, not as subjects of the Government of Spain, but as persons having authority from Don Carlos or the Chiefs of his army. That is an offence which is against the Law of Nations, and against all friendly relations between France and Spain. Another allegation is that an officer holding rank as a General has been admitted within the French frontier and allowed to pass from Bayonne to Perpignan and from Perpignan to Catalonia, in order to carry on armed rebellion against the Government of Spain. My Lords, I cannot but think that if this is true, it is a most scandalous act, and at variance with all the relations that should prevail between friendly Governments. When we found it necessary to go to war with America it was alleged by Mr. Gibbon

that the French and Spaniards had allowed arms to be provided for the rebels against His Majesty the King of Great Britain; and General Washington allowed to Lord Grenville and Mr. Hammond—whose son I am very glad to see sitting in this House—that if ships had been fitted out to prey upon the commerce of Great Britain, that was an injury to a friendly nation, and that compensation should be made for that injury: and compensation was accordingly made. I believe there is no country that professes friendship to another country and is with it on the usual terms of amity, that would not agree that the furnishing of arms and the allowing of armed officers and soldiers to traverse its territory with the view of invading that other country is a violation of the Law of Nations. I have therefore to ask the Secretary of State for Foreign Affairs, Whether any inquiry has been made as to the alleged assistance allowed to be given to the Carlists of Spain by French authorities; and whether any remonstrances have been addressed to the Government of France by Her Majesty's Secretary of State for Foreign Affairs? As I mentioned at the beginning of my remarks, I say that although we give no armed assistance to the established Government of Spain, yet we ought to feel a sympathy with a nation which during the war from 1808 to 1814 showed friendly sympathy with us, and which gave us every assistance that they were able to give—not by providing troops of great value, not by fighting our battles, but in supplying us with stores and all other assistance that they could possibly afford.

THE EARL OF DERBY:—My Lords, I wish to give the best answers I can to the very proper Questions of the noble Earl. I have, then, to say in the first place, that since I have held the office I now fill, no remonstrance or complaint, or appeal of any sort, has been addressed to Her Majesty's Government by the Government of Spain on the subject of that assistance which is alleged to have been given by French authorities or by French citizens to the Carlist party. I believe certain communications have passed upon that subject between the Governments of France and Spain, but I have not seen those communications; I have not been consulted or appealed to in reference to them, and I have no knowledge of their precise



purport. And inasmuch as the Spanish authorities, who undoubtedly are the persons primarily concerned, have not thought it necessary to ask for English interference, and inasmuch as the matter is one in which it is not alleged that any British subject has taken a part, I have not thought it my duty to volunteer such interference. I believe that if we had offered it without being called on, that would have been an officious interference, not only in the diplomatic, but in the popular sense of the word, and that in all probability it would have done more harm than good. I have not the means of judging whether any of the statements which we have heard of assistance being given to the Carlists contrary to the Law of Nations are well founded, and I think it is probable that if Her Majesty's Government had addressed any remonstrance to the French Government, unasked by those primarily interested, the answer would have been, "What have you to complain of? You have not been hurt!" And I own that would have been a reply to which I should have found it difficult to make a rejoinder. When the noble Earl asks me to what extent I believe in these reports of assistance given from the other side of the French border, I am compelled to approach the question with very great doubt and great reserve—because it is not a subject with which I have had to deal, or on which I have official information. I take it, however, that there can be no doubt that a certain quantity of arms and supplies of various kinds have passed out of France across the frontier: but how far that may be due to any connivance or *laches* on the part of subordinate officials or to the active co-operation of the local population, or how far it may be due merely to the impossibility of guarding such a line of frontier as that of the Pyrenees, is a question on which I am not able to form an opinion. Undoubtedly, my Lords, if it be true—as the noble Earl has said it is—that armed forces have been allowed to enter and take refuge in the French territory, and then to recross the frontier and resume military operations in Spain, I apprehend that would be a breach of international law; but I have no knowledge that anything of the kind has occurred. And, with the greatest respect for your Lordships, I think these are matters of which it would be hardly

wise or proper of us to take cognizance—first, in the absence of any certain information as to whether the alleged circumstance ever occurred, and, next, in the absence of any complaint or expression of feeling from the parties who are primarily interested. My Lords, as to what the noble Earl says in respect of the sympathy we ought to feel for the Spanish nation, under the great difficulties in which it is at present involved, I most cordially concur. We cannot forget the great part Spain has played in the history of Europe, and we cannot but hope that she may hold as prominent a place in the future as in the past. But where it is a question of local feuds and civil war, I am not sure that the best way of showing sympathy with any country situated as Spain is, is not to abstain from all unnecessary interference. With regard to the subject of recognition, I observe that the noble Earl has very wisely refrained from putting any Question as to the precise moment at which the Spanish Government ought to be recognized. I need not enter into the circumstances which have led Her Majesty's Government to think that the time has not come for recognition—that it would be premature. I need not allude to the utterly unsettled condition of the country—it is enough to indicate what I think your Lordships well understand—that whenever that recognition is made, it would be much better that it should be the Act of the great Powers of Europe than that of one Power alone. There are other circumstances as regards the relations between ourselves and Spain. The Spanish Government has been a little tardy and has shown some reluctance in doing justice in cases where we had a right to expect justice. These are circumstances to be taken into consideration; but of one thing I am sure, and that is, that the question of the recognition of the Spanish or of any Government ought not to be made a question of political sympathy. You ought to recognize a Government as provisional when it is provisionally established; you ought to recognize a Government as permanent when it is permanently established. Whether the Government in question be a Republic or a Monarchy, it is entitled to exactly the same treatment at our hands. The question of recognition is one to be decided by the consideration whether

we believe a permanent and settled form of government has been established in the country. I cannot give any further answer to the Questions of the noble Earl.

**EARL GRANVILLE:** My Lords, having preceded the noble Earl in the Foreign Office, and as I was there when the civil war broke out, I may be allowed to add a few words to what has been said on the subject. It is evident that in bringing the subject before your Lordships, my noble Friend (Earl Russell) has been moved to it not only by the regret that so fine a country and a noble race should be thrown into anarchy, but also by the recollections of his youth and of his mature age. As I understand it, the answer of the noble Earl (the Earl of Derby) amounts to this—that it is exceedingly difficult to deal with this sort of allegations, made on one side and the other, without the Government of this country having any means whatever of knowing what is the true state of the case. I do not go so far as the noble Earl, and hold that one friendly Government is on all occasions precluded from making communications to another upon such a subject, without being called upon by the parties primarily concerned, because I think that where two friendly countries have been following the same policy of neutrality towards a third, suppose one of these countries were guilty of an overt act tending to the violation of that neutrality, it would not be inconsistent with dignity or necessarily harmful, if the other should communicate with it in respect to the course it was pursuing. When I had the honour of holding the Seals of the Foreign Office, no official communication was made to me on this subject; but undoubtedly I had private and unofficial communication with the Representatives of Spain, who did complain that this assistance was given by France. I was also in like communication with the Representatives of France, and, as is usual in official communications, very different statements were made as to the facts by the different sides. The Spanish Representatives asserted, and the French denied. It was stated on the part of the French that the instructions to their agents were positive not to give any such assistance, and that if those instructions had not always been obeyed, it was due to the difficulty arising from the character of

the country—from the extent of territory—and to the great sympathy of some of the inhabitants of France with the Carlists. As to any official communication on the subject, there was none; and I quite agree with the noble Earl that under the circumstances, it is not necessary, nor would it be right, to make any communication to the French Government in reference to it.

**EARL RUSSELL** asked the noble Earl the Secretary for Foreign Affairs, Whether it was not the duty of the British Consuls on the frontier to furnish information on these subjects to our Government, and whether the noble Earl would not give them instructions to do so?

**THE EARL OF DERBY** replied that it was a part of the duty of any Consul, where local circumstances rendered it important, to give the Foreign Office information as to what was going on. To a certain extent that had been done. If the war went on and assumed a more serious character, there would be good reason for exhorting our Consuls to be diligent in the matter; but he could not say that at present there was any reason to find fault with the way in which the duty had been discharged.

#### DIPLOMATIC SERVICE—CONSULSHIP AT SAIGON.—QUESTION.

**LORD STANLEY OF ALDERLEY** asked the Secretary of State for Foreign Affairs, Whether Her Majesty's Government intend to fill up the post of British Consul at Saigon, which is now vacant?

**THE EARL OF DERBY** said, there was no information at the Foreign Office of the existence, or even the probability, of the vacancy assumed in the Question of his noble Friend. The Consul was absent on leave, obtained in the early part of this year. In his absence, the Consul left as his deputy a gentleman who was a partner in a firm at Saigon. He was not aware whether that gentleman was a British subject; but he believed he was very well fitted to discharge the duties in the temporary absence of the Consul. He did not think there was any reason for avoiding a new appointment in the case of a vacancy.

House adjourned at a quarter before  
Six o'clock, to Monday next at  
quarter before Five o'clock.

## HOUSE OF COMMONS,

*Friday, 24th July, 1874.*

MINUTES.]—NEW WRIT ISSUED—*For Kidderminster, v. Albert Grant, esquire, void Election.*

SUPPLY—*considered in Committee—Committee—R.P.*

PUBLIC BILLS—*Resolution [July 23] reported—Ordered—Prince Leopold Annuity.\**

*Ordered—First Reading—Open Spaces (Metropolis)\* [230].*

*Second Reading—Royal (late Indian) Ordnance Corps Compensation [219].*

*Committee—Church Patronage (Scotland) [159]—R.P.*

*Committee—Report—Endowed Schools Acts Amendment [187-228]; Tramways Provisional Orders Confirmation (re-comm.) [220]; Boundaries of Archdeacons and Rural Deaneries (re-comm.)\* [212].*

*Report—Pier and Harbour Orders Confirmation\* [169-229].*

The House met at Two of the clock.

## IRISH CHURCH TEMPORALITIES COMMISSION—AUDIT OF ACCOUNTS.

## QUESTION.

MR. EDWARD JENKINS asked the First Lord of the Treasury, referring to the Report of the Auditor General upon the Account of the Commissioners of Church Temporalities in Ireland, Whether the reason therein given for not presenting the Report up to December 31st, 1872, until June 1st, 1874, is satisfactory to the Government; why, in accordance with sec. 37 of the Irish Church Act, the Accounts of the Commissioners up to December 31st, 1873, have not yet been laid before Parliament, with the Report of the Auditor General; whether, in view of the fact that it appears that the Solicitor to the Irish Church Temporalities Commissioners, is stated to have "received moneys on behalf of the Commissioners, the orders being payable to him, and lodged them in his own bank in his own name," retaining them there instead of paying them into the Bank of Ireland to the proper account; that it also appears that although on the 18th September 1873, the Lords Commissioners of the Treasury "informed the Irish Church Commissioners that they considered that the arrears recovered by the Solicitor should be paid direct to their account in gross instead of to himself personally," yet, on the 24th November, 1873, Mr. Treherne

wrote to the Treasury reporting that "notwithstanding the instructions contained in Mr. Stronge's letter, the Solicitor still continues to receive them arrears of rent, and retains them in varying periods," as by a Schedule therewith enclosed, printed in the Report; and, further, that it appears that on May 21st, 1874, Mr. Treherne again called the attention of the Irish Church Temporalities Commissioners to the fact that the Commissioners had not followed the course directed with regard to the said payments into the Bank, the Government will state if the Solicitor is still to be continued in office, and what steps they propose to take to punish and restrain such irregularities; whether, in view of the fact that a discrepancy of opinion relating to considerable sums of money as to limitations of the audit of accounts by the Controller and Auditor General, appears by letter on p. 13, to have arisen with the Commissioners of Church Temporalities in Ireland, involving an objection to produce vouchers, and also involving the right of inspection of commutation claims, the Government intends to take any steps to enforce the Law if existing, or to correct it if defective; and, whether the Returns promised by the First Lord of the Treasury of the payments made under the process of commuting and compounding in the Irish Church, and of the names, livings, and residences of the Clergymen who have commuted and compounded, are in course of preparation, and when they will be laid upon the Table? The hon. Member said he had put the Question in the shape it appeared, in order to save the time of the House.

MR. DISRAELI: Sir, I have no doubt the hon. Gentleman is sincere in his desire to save the time of the House by asking this series of Questions; but he must know that they necessarily require rather long Answers. With reference to the first point referred to by the hon. Gentleman, I believe there is no doubt that the terms of the Irish Church Act with regard to the presentation of the account of the Church Temporalities Commissioners and the Report of the Controller and Auditor General have not been strictly complied with. It must, however, be borne in mind that the account is a complicated one, and that it has given rise to considerable correspondence between the Commissioners



and the Controller and Auditor General, which led to delay in the presentation of the Report. With reference to the second part of the Question, the accounts for the year 1873 were ready on July 15th, 1874, and the delay in rendering them, I am informed, arose from the magnitude and details of the transactions. I feel assured the Irish Church Temporalities Commissioners will use every effort to comply with the directions of the Act of Parliament, and that the accounts will in future be completed within the time specified. In reply to the third part of the Question, I may say that Mr. Ball has been acting as solicitor under the authority of the Commissioners, who express their confidence in him. It is true, however, that the Treasury differ from the Commissioners as to the regulations under which the moneys collected by Mr. Ball are brought to account. The subject is still in discussion, and I trust that means will be found for bringing about an agreement between the Treasury and the Commissioners. If it should not be the case, the accounts will be laid before Parliament, and it is always in the power of the House of Commons to refer disputed points of account to their own Committee on Public Accounts. It is a delicate question up to what point the orders of the Commissioners are a final authority, behind which it is not necessary that the Audit Office should go. The Government are in favour of giving all information to the Controller and Auditor General, in order to enable him to discharge his duty fully and freely; but questions of this kind will from time to time arise which should be decided on principles of common sense. If a solution should not be found, it will be in the power of the House to examine the dispute by means of its own Committee. As to the last part of the question of the hon. Member—namely—

“Whether the Returns promised by the First Lord of the Treasury of the payments made under the process of commuting and compounding in the Irish Church, and of the names, livings, and residences of the Clergymen who have commuted and compounded, are in course of preparation, and when they will be laid upon the Table?”

I can only reply that I did not promise the Returns. What I said was, that I saw no objection myself to the production of them; but that till I made in-

quiry, it would be impossible for me to say whether they could be produced. I have now made that inquiry, and find I have no power in the matter. The Returns would have to be compiled, not by the Commissioners, but by the Irish Church Representative Body. It would be a very long and expensive affair. They are an independent body, and it would not be within the power of the Crown to control them.

MR. EDWARD JENKINS gave Notice that on Monday he would move for the Returns for which he had asked.

#### POST OFFICE TELEGRAPHS.

##### QUESTION.

MR. M'LAREN asked Mr. Chancellor of the Exchequer, Whether his attention has been called to the fact that the capital sum expended in the purchase and formation of the Post Office Telegraphs, amounting at the 31st of December 1873, to £9,465,197, has yielded a net revenue of only £95,956 (Parl. Paper, No. 266), or about one per cent on the outlay; whether the Treasury have taken any steps to prevent the expenditure of additional capital for unremunerative works, or any steps for reducing the expenses of management, with the view of obtaining a better return for the capital invested; whether he can state the amount of additional capital expended since 31st December last; and, whether he can give an estimate of the probable amount which will still have to be paid to Companies for Telegraphs and rights which had been acquired by the Post Office, and had been worked during the last year, so as to contribute to the small net revenue received, although not yet paid for to the Companies from whom they had been acquired?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, that his attention had for a considerable time been directed to the general position of the Telegraph Service, a subject of very great importance, involving an expenditure of great magnitude, and requiring very careful control and supervision. All expenditure upon new works or extensions out of capital had been stopped since October last, and no new works or extensions could now be undertaken except out of sums voted by Parliament. The Treasury exercised the same care

and supervision in respect of the Votes which might be proposed to Parliament for works in this service, as in regard to any other expenditure for Government purposes. During the present year there had been very considerable strictness in revising the Estimates, with a view to asking for as small a sum as possible. He was in constant communication with his noble Friend the Postmaster General, for the double purpose of keeping as low as possible the expenditure upon new works, and reducing the expenses of management, and, at the same time, of providing as efficient a system of control as possible over any expenditure connected with this service. In reference to another point referred to in the Question of the hon. Member, he had to say that since the 31st of December last, the Treasury had created stock to the amount of £325,000, and that of that sum about £70,000 was still in hand. The amount expended had been applied to the purchase of works which had been taken over, but not paid for. No part had been expended on extensions or new works. The hon. Gentleman had asked, in conclusion, whether an estimate could be given of the probable amount which would still have to be paid to companies for telegraphs and rights acquired by the Post Office. There were claims which were still under consideration and arbitration, and therefore, in the interest of the public service, it would not be desirable to give an estimate of the kind suggested.

#### MERCHANT SHIPPING ACT—LOSS OF THE "THISTLE" STEAMER.

##### QUESTION.

CAPTAIN BEDFORD PIM asked the President of the Board of Trade, Whether the facts connected with the loss of the "Thistle" steamer, of Hull, have been brought to his notice; and if so, if any action thereon is proposed to be taken?

SIR CHARLES ADDERLEY: Sir, the facts connected with the loss of the *Thistle* have been brought to my notice, and an inquiry was ordered; but as the captain had gone to Calcutta and would not return for some months, it was considered inexpedient to retain the crew as witnesses for so long a time, and the inquiry has been abandoned. The report of the casualty from the pilot at Hel-

voetsluys was to the effect that the ship drifted on shore in consequence of her engines refusing to work.

#### POST OFFICE—CONTRACT WITH THE PENINSULAR AND ORIENTAL STEAM NAVIGATION COMPANY.

##### QUESTION.

MR. W. HOLMS asked the Postmaster General, If in the Contract of July 1874 he has arranged to allow the Peninsular and Oriental Steam Navigation Company to run their steamers with the heavy portion of the Indian Mails through the Suez Canal; and, if so, to what extent the transmission of such portion of the Indian Mails will be retarded; what deduction from the subsidy of £449,000 per annum is to be made on account of the permission thus granted; and, is he aware that his two predecessors in office recommended that a considerable deduction from that amount should be made in that contingency?

LORD JOHN MANNERS, in reply, said, that by the new contract with the Peninsular and Oriental Company, which he hoped would be in the hands of hon. Members to-morrow or Monday, it was arranged that the Company might run their steamers with any portion of the mails through the Suez Canal. No part of the mails would be retarded in consequence; on the contrary, there would be an acceleration for both the heavy and light mails to the extent of 24 hours. A deduction of £20,000 a-year had been made from the subsidy on account of this change. An additional saving would be effected in consequence of no premium being paid in future, and there would be a further saving arising from the fact that payments by the Company in respect of overtime would henceforth be compulsory. Altogether, the saving under the new contract would amount to about £24,000 a-year.

#### LEGISLATION—ASSAULTS ON WOMEN AND CHILDREN.—QUESTION.

COLONEL EGERTON LEIGH asked the Secretary of State for the Home Department, Whether a measure for the additional protection of women and children from the violence of men, will be introduced by Government as soon as possible next Session?

MR. ASSHETON CROSS, in reply, said the matter referred to by his hon. and gallant Friend was under the consideration of the Government, with a view to ascertain whether any measure could be introduced with regard to it.

#### ROYAL RESIDENCE IN IRELAND.

##### QUESTION.

SIR EARDLEY WILMOT asked the First Lord of the Treasury, Whether, having regard to the often-expressed wishes of the people of Ireland, Her Majesty's Government would consider the expediency of establishing a Royal Residence there, with suitable provision for its maintenance, for the purpose of encouraging occasional visits of members of the Royal Family to that portion of the United Kingdom?

MR. DISRAELI: Sir, I am very much in favour of royal residences, particularly when they are inhabited; and the great interest I take in Ireland would make me much rejoice if there were royal residences in that country inhabited by members of the Royal Family.

#### PARLIAMENT—PUBLIC BUSINESS.

MR. DISRAELI: Sir, it may be convenient to the House that I should now notice the present position of Public Business, so that hon. Gentlemen may form some estimate of the prospect before us. For some time, unfortunately, I have seen that the Land Bills which have been introduced by Her Majesty's Government for the consideration and approval of the House, have but a very poor chance of being passed this Session. Though their interest is not of an urgent character, they are excellent Bills, and I trust the time is not far distant when they will be passed into law. There is another group of Bills which until recently I thought it was possible to pass—namely, the Judicature Bills. Her Majesty's Government was anxious that those Bills should be passed. They are measures in which we take much interest, and the delay with reference to them, no doubt, has been occasioned in a great degree by the time occupied in the preparation of the new Rules. I need not remind the House that those Rules required the greatest consideration and the highest exercise of the intellect of some of the

most intellectual of our fellow-subjects. No one would for a moment murmur at the time that has been expended upon the consideration of those Rules. They are completely finished, and they are now before Her Majesty; but, unfortunately, they could not be laid on the Table of the House in time to assist us in the consideration of the Bills. Indeed, under all the circumstances, I do not think that at the end of the Session, when the House is either excited or exhausted, a proper opportunity could be afforded for the discussion of arrangements which were to be irrevocable, or which, at least, must last for a generation and more. Such a great question as the establishment of a Court of Appeal demands the whole attention of the House. I have, therefore, felt it impossible for the House this Session to consider these matters. There are two other measures before the House, as to one of which the Government is specially responsible; as to another of them, the Government is morally responsible. I will dismiss them for a moment—in order that I may put the state of the Public Business before the House, I will put aside the consideration of the Public Worship Regulation Bill and the Endowed Schools Acts Amendment Bill. Assuming that we do not proceed with the Land Bills and the Judicature Bills, the state of affairs will be this—that Parliament might then be prorogued, in all probability, on the 8th of August. An earlier day, I believe, will be impossible. It is, of course, most desirable that the right hon. and learned Recorder should have the opportunity which the country expects, and which was promised him, of proceeding with the Public Worship Regulation Bill. I find that on Monday we must have a Committee of Supply and other business. That is the key-note of our arrangements. I cannot ask the right hon. and learned Gentleman to continue the Committee of his Bill on that day, because when there is a Committee of Supply—and especially when it is the last Committee of Supply—there is a prospect of a discussion for a somewhat indefinite time; and I believe there are other subjects which may need discussion on Monday. But on Tuesday, after the Report of Supply, I shall be happy to enable him to proceed with his Bill. I have done all I can to afford the right hon. and

learned Gentleman an ample opportunity of carrying his Bill through, and there is no doubt that the course proposed will give him the necessary time. I come now to another Bill which is in our Paper of this morning for Committee—I mean the Endowed Schools Acts Amendment Bill. The House must feel that, in conducting that Committee, we have to encounter great difficulty in consequence of the advanced period of the Session. That Bill has led to protracted debates, in consequence, I believe, of the House being under an entire misconception of the character of many of its clauses. I do not impute any blame to hon. Gentlemen opposite, and I hope they will acquit Her Majesty's Government of any unfair design with reference to it. I attribute the difficulty chiefly to the language which has of late years—perhaps necessarily—stolen into our legislation, and which in this instance is of such a character that upon every point, to enable one to understand it, the aid of experts and adepts in interpretation is needed. I am further of opinion, in which I am borne out by competent authority, that I made no statement in this House with regard to the Bill—nor did my noble Friend the Vice President of the Council—that was not justified by the language; but I have been obliged to take these statements on trust from those who made them, for I honestly confess—although it may be an argument to prove my own incapacity for the position I occupy—that as to those clauses, although I have given them many anxious and perplexed moments of consideration, they have much perplexed me. I have not been able to obtain that mastery over them that I should wish to have. But the House having sanctioned the appointment of a new Commission, and having sanctioned it in a manner which entirely justifies the policy of Her Majesty's Government, Her Majesty's Government deem it advisable to postpone to another Session the consideration of the Amendments which the Government may desire to introduce with regard to the existing law. We desire to see those Amendments introduced; but we see no prospect of coming to anything like a satisfactory conclusion at this period of the Session with reference to the difficulties which we must encounter in the conduct of the Bill. We,

*Mr. Disraeli*

therefore, propose that, the House having sanctioned the establishment of a new Commission—a point which has been violently opposed—and the Government having completely vindicated their intention with regard to what, I believe, are necessary Amendments in the existing law—and, without receding from that intention, we feel it impossible to advance them at present—the introduction of those Amendments should be postponed to next Session. That will, of course, very much expedite the other Business of the Session. I trust the House will go into Committee on the Endowed Schools Bill, and not find it necessary to spend much time over it. We shall then proceed with the other measures on the Paper; and with the arrangements I have suggested to the right hon. and learned Recorder to adopt, it appears to me we may thus complete the programme I have indicated, and that Her Majesty may be advised to prorogue Parliament about the 8th of August.

MR. GLADSTONE: The right hon. Gentleman, Sir, has made a statement of great importance with respect to Public Business, combining with a statement of facts considerable reference to justifying pleas. I am aware there is no question before the House, but I think the statement of the right hon. Gentleman on the condition of Public Business can hardly be received entirely without comment, and therefore I am prepared to conclude with a Motion, though I do not feel it necessary to dwell at any length upon the particular points of that statement. There is no doubt that the statement will be reviewed in various senses and upon various occasions, and the Speech which Her Majesty was advised to deliver at the commencement of the Session will be carefully compared with the altered and almost exhausted list which the right hon. Gentleman has now laid before us. I do not think there can be any objection, as far as I understand it, to the order in which he proposes to proceed with Public Business, although I confess I am disappointed in his having departed from a declaration which he was undoubtedly entitled to depart from. I am disposed to regret his having departed from a declaration which he made some time ago, that the right hon. and learned Recorder should be allowed to proceed with the Public Wor-

ship Bill immediately after the Bill relating to endowed schools was disposed of. However, I now understand that on Tuesday next, he will in all likelihood be able to proceed with that Bill. But it is impossible to dismiss altogether without a word the consideration of the Bill relating to endowed schools. As I understand the speech of the right hon. Gentleman upon the present occasion, he departs from the particular clauses of that Bill, which unsettle what we consider the settlement of the year 1869, upon the ground that those clauses are unintelligible, and that he has not been able to master them. Well, that is a most important discovery. I think it a great pity that that discovery was not made before hon. Gentlemen on this side of the House were, if not charged with obstructing the conduct of Business, at least admonished upon the consequences of obstructing the progress of a Bill which they regarded as unsettling what had been agreed upon, and as introducing so dangerous a precedent into the character of our legislation, that it was desirable there should be a full discussion upon it. The right hon. Gentleman has stated that Her Majesty's Government postpones to a future Session, the consideration of the Amendments which they propose to introduce into the body of the existing law. Now, with respect to those Amendments, I will not say how they have been drafted, neither can I say that in regard to them we have been instructed by the Bill; because the right hon. Gentleman states that he has been unable to understand them. But we have learnt something from the speeches of Members of the Government upon the various points which have been raised. My right hon. Friend the Chancellor of the Exchequer has instructed us that while the general policy of the late Commissioners, as I may now call them, was to be maintained, their religious policy was to be altered, and the right hon. Gentleman who sits beside him (the Secretary of State for War)—in distinct contradiction, as it appears to me, of the right hon. Gentleman his Colleague, has frankly and distinctly avowed his disapproval of the policy of the late Commissioners, in respect of the alteration they made in the constitution of the Governing Bodies of what he terms good schools—intending to say, probably, that the reformatory principles of the Commis-

sioners in regard to general education, as well as the manner in which they endeavoured to hold the balance between Church and Nonconformist interests are to be renounced and altered. These, Sir, are the most important declarations which have been made, if we except the declaration of the noble Lord the Vice President of the Council, with respect to which there was much difficulty in comprehending on this side of the House what appeared to be the substance of his statement. By that I mean what appeared to be his pacific and his warlike declarations. But the upshot of the whole was, as far as we were able to understand it, that the Dissenters of this country were to be divided into two classes—the one to be designated and embraced as “our Nonconformist Brethren,” and the other to be relegated to a very different category as “political Nonconformists.” and with these political Nonconformists, according to the declaration of the noble Lord, war is to be carried on by Her Majesty's Government. As far as I understand the position of parties in this country, most of those who belong to the Church of England are of opinion, on conscientious grounds, that the connection between Church and State ought to be maintained, and most of those who belong to Nonconformist Bodies, hold an equally conscientious opinion, that the connection between Church and State ought to be dissolved. [“No, no!” and “Hear, hear!”] I am not aware that the cries of “No, no” in answer to my statement have proceeded from Nonconformists; and with regard to those hon. Gentlemen whose cheers denote them to be of an opposite opinion, I am vain enough to say for myself that I believe I am acquainted with the opinions and feelings of the Nonconformists rather better than they are. But as regards this declaration of war with what are called political Nonconformists—that is to say, with the main body of Nonconformists, I am very sorry it has been made. But however that may be, I venture to express the hope, nay, I will even venture to express the confidence, that we shall not in any future Session hear any more of the objectionable clauses. It appears to me, in fact, that the right hon. Gentleman, in promising to call the attention of the House to the subject in another Session of Parliament, was prompted by



Ministerial exigencies and by the state of relations in the Cabinet far more than by any well-weighed and well-considered anticipation of what is likely to arise in future years. If that be so, I think upon the whole the Nonconformists of this country—and not the Nonconformists only, but those who attach a corresponding value to the principles of a mature and stable legislation—have some reason to congratulate themselves upon the present situation. The charge of factious opposition thrown out by the hon. Member for Bury St. Edmunds (Mr. Greene), and the warning which the right hon. Gentleman on a previous occasion gave with respect to the events which would follow the failure of this Bill to pass, through want of time, receive a most interesting illustration from the declarations that have to-day been made, and we may now very briefly survey the actual situation of affairs with regard to the Endowed Schools Bill. The legislation of the country is to remain the same, but those by whom that legislation has been faithfully applied, are to be made the sole victims of the ill-feeling which has been created, and are alone to represent the fulfilment of the promises which were held out in other days to excited partisans. It recalls to my mind the superstitions of the ancients. When a great host attempted the invasion of an enemy's country, and was beset by storms, and baffled by adverse winds, the practice was to erect an altar and to put the knife to the throat of the victim—

*"Sanguine placatis ventos et virgine caesi,  
Quum primum Iliacas, Danaï, venistis ad oras;  
Sanguine querendi reditus, animaque litandum  
Argolicâ."*

The Commissioners of Endowed Schools are, on this occasion, those who have been called upon to submit to the sacrificial knife; and these three Gentlemen—most guilty in the opinion of some who have spoken and whom perhaps they have offended; but most innocent, most meritorious, and most patriotic in the judgment of others—are to give up their official existence as an atonement and reconciliation for others, and the great mass of the Nonconformist interests throughout the country are, I rejoice to say, to enjoy an absolute immunity from danger, the only price that is paid for it being the official life of Lord

*Mr. Gladstone*

Lyttelton and his Colleagues. In saying that, I am very sorry for what the right hon. Gentleman calls "the policy of Her Majesty's Government." The policy of Her Majesty's Government with regard to the endowed schools of the country has received this most striking, this most triumphant attestation—that three Gentlemen who, as the noble Lord says, are our Friends, are to be displaced from their office in order that three Gentlemen who are his Friends may be put into office, in order to prosecute with bated hopes and weakened forces, the difficult duties imposed on them by the country. I beg to move the adjournment of the House.

Motion made, and Question proposed,  
"That this House do now adjourn."—  
(*Mr. Gladstone.*)

Mr. NEWDEGATE said, that one element had been overlooked that had a powerful effect in deciding the late Parliament to terminate promptly what might be now called the late Endowed Schools Commission, and it was this: Those Commissioners, in correspondence which it was in his power to produce, declared that no matter how well conducted schools might be which were designed for the labouring and the poorer classes, they should, under certain conditions, laid down by themselves, be taken away from the education of those classes, and applied to that of the middle and better classes; and it was in order to put an end to that policy that it was proposed to terminate the powers of the Commissioners. He looked upon it as a policy of confiscation of the property of the labouring classes, with the ultimate view of rating and taking them, and he therefore wished to express the confidence he felt that the transfer to the Charity Commissioners of the powers of the Endowed Schools Commission would insure for these communities of the labouring and poorer people, a security against the class legislation which disgraced the policy of the latter Commissioners.

Mr. BERESFORD HOPE, referring to the statement of the right hon. Gentleman at the head of the Government, desired to call particular attention to the promise which that statement contained—that the dropped clauses of the Bill now before the House should be re-introduced next year as a substantive

measure. ["Hear, hear!"] He welcomed that cheer, and claimed the fulfilment of that promise. No doubt, there would be hot times for the Government when the Bill was brought forward next year; but, for his own part, he did not see the use of a General Election and the so-called political re-action all over the country, if the only result of that re-action were to be that hon. Gentlemen should cross the floor of the House to carry out measures which they had been denouncing while they sat on the front Opposition Benches. For his own part, he did not fear to press the Government, for, as everybody who was acquainted with him must know, he had at least been an independent Member. While he had honestly supported Conservative politics, he had never surrendered his own independence; and he had always kept his eyes open to the fact that he thereby struck his name off the list of those who were in competition for the good things which fell to the lot of more assiduous and more devoted partizans. When the change of parties occurred, he trusted and believed that safe and sound legislation might take the place of rather empiric and hasty theorizing, which was the vice that tainted the otherwise extremely clever and original system of government of that very able Administration, some of whose Members sat on the other side of the House. Now, what was the real nature of the complaint against the Endowed Schools Act? It was, not that it laid the axe to the root of corruptions, nor that it did not open the schools to the entire community. That never was his objection to the Endowed Schools Act, and he had never regarded the abolition of the Commission as the principal object of the Bill now under consideration. Friendship and affection compelled him to say that he never gave a vote which was so painful to him as that which seemed to deal a blow against his life-long and honoured Friend Lord Lyttelton. However, he gave the vote, not against Lord Lyttelton, but against the Commission. A cardinal principle of safe and sound legislation on this subject was, that wherever they could prove that for a long period back there was a fixity of religious teaching in some form or other, that fixity of religious teaching should not be interfered with. By all means, let a Conscience Clause be

conceded; but behind that there remained the recognition by the State of the fixity of the religious teaching. He looked forward to those clauses to give an intelligible and definite recognition of that principle, and therefore, speaking in the name of many persons outside the House, he claimed the fulfilment of the promise of the Government to re-introduce them next year; for if they did not keep that promise, they would be throwing aside the principles which had brought them to that side of the House, and be adopting a policy of shifting expediency.

MR. CHILDERS said, he thought the hon. Member for the University of Cambridge (Mr. Beresford Hope) had been rather hard upon Her Majesty's Government, when he attacked the right hon. Gentleman at the head of the Government for saying that he did not intend to proceed any further this Session with those clauses of the Bill which he did not understand. In his (Mr. Childers') opinion, nothing could have been more conclusive than such a reason when given by the right hon. Gentleman. The right hon. Gentleman had coupled his statement with a very important and detailed statement as to the remaining Business of the House; and while he (Mr. Childers) was listening to the right hon. Gentleman, it occurred to him to see what were the promises contained in Her Majesty's Speech at the beginning of the Session, and to compare the promises with their fulfilment. In the Royal Speech six measures were promised. First of all, there was to be a Bill, or rather a series of Bills, connected with the transfer of land in England and dealing with real property. Those measures had been abandoned. Next, there was promised a re-arrangement of the system of judicature, which, having been effected for England last Session, was to be extended to Ireland. Well, that measure had also been abandoned. The third measure—the proposed Judicature Bill for Scotland—had also been abandoned. The fourth measure promised in the Speech from the Throne, was the appointment of a Royal Commission to deal with questions affecting the relations between master and servant, and the House was informed that the appointment of that Commission would be followed by legislation during the pre-

recommended by the Conservative Members of those two Committees. It was under the leadership and guidance of the present Secretary for War that those Amendments were proposed, in the Committee of last year, which he considered to be carried out in the clauses which were unfortunately withdrawn. He was sorry the Prime Minister was unable to understand these clauses. He had a great respect for the acknowledged ability of the right hon. Gentleman, and could not help thinking that, if he could not understand the clauses, at any rate his Colleagues could have instructed him as to the meaning of them. These clauses were not the mere echo of the policy of an extreme section of the Conservative party; they were the deliberate expression of the views of the Conservative Members of the Endowed Schools Committee of last year, which, as he understood, the Conservative party when in power would naturally introduce into a Bill. He knew that at that period of the Session, it was not easy to proceed with such legislation; but he trusted the Government would not respond to the appeal of the hon. Member on his right (Mr. C. Lewis), who did not adequately represent the feelings of Conservatives on the question. He trusted they would not hear of any intention to respond to that appeal, nor be told that the Government were going to back out of that Conservative policy so strongly recommended by the Conservative Members of the late Parliament.

Mr. WATKIN WILLIAMS asked, whether the Government intended to bring in a Bill that Session to postpone the operation of the Judicature Act beyond Michaelmas next?

Mr. HUBBARD (*London*) said, as there was no subject on which the feelings of his constituents at the last General Election were more interested than the treatment of endowed schools, he asked permission to say a few words. He had taken great pains to compare the Acts of 1869 and 1873 and the present Bill. He should be most unwilling to transfer the working of these Acts to a new body, or to leave them in the hands of the old body, with nothing but the two former Acts to guide them. There ought to be no ambiguity in such a measure as that, and yet last night's discussion on the 4th clause of

the present Bill raised in his mind serious apprehensions whether those who had taken the largest part in the administration of the two previous Acts had really acted in accordance with the real intentions of the English people and of English legislation on the subject. His right hon. Friend the late Vice President of the Council had asked—evidently expecting a reply in the negative—"Supposing in the case of a pre-Reformation school, that the children were required to attend Mass, should we be justified in saying that the children in that school ought to attend the services of the Church of England?" No man had stipulated more than his right hon. Friend had done for the maintenance of the religious element in education, and he begged his attention in considering the question. Now, assuming that the founders of schools in pre-Reformation times did intend the religious element to pervade the whole of their system of education, was it possible for the intention to be more definitely expressed, than in the stipulation "that the children should attend the services of the Church?" That intention might have been expressed in the phrase "going to Mass." Attending Divine service was the strongest expression which could be given to the intention of the founder, that the children in his school were to receive a religious education. How would his right hon. Friend deal with a foundation of that kind? Would his right hon. Friend demur to the assumption that the Church of England had been one from the commencement? It knew no human founder, and it derived its descent from the founder of the Christian religion. How could his right hon. Friend maintain the religious element in the school under consideration, except by taking the ground that the Church of England now was the natural representative of the Church of England previous to the Reformation? If he did not take that ground he must either secularize the school, or find another representative of the pre-Reformation Church. But the whole feeling of the English people was against secularization; and at least up to 1870, it was held that education without religion was no education at all. Well, if the Church of England was not allowed to be the representative of the pre-Reformation Church, where would



the representative be found? Would his right hon. Friend affirm that the Roman Catholic Church was the heir of the pre-Reformation Church? That he thought was a very fair question to put to his right hon. Friend. If he assented to that proposal he neutralized the work of the Reformation, and utterly destroyed the safeguards of all those liberties we enjoyed by virtue of that Reformation; safeguards which touched every branch of the State, for the Sovereign must not only not be a member of the Church of Rome, but must be a member of the Church of England. Well, then, if the right hon. Gentleman did not accept the Church of Rome, would he name the Society of Friends, or the Society of Baptists as the representative and heir of the pre-Reformation Church? Which was it to be? He did not care to retain the clauses which had been objected to; but he could not tolerate the idea that in the treatment of this great question, Her Majesty's Ministers should swerve from that basis of our legislation, which was accepted by nine-tenths of the people of England—namely, perfect freedom of religious teaching, and a religious basis for the education of the country.

SIR JOHN LUBBOCK said, many Members on the Opposition side of the House would concur with the hon. Member for the University of Cambridge (Mr. Beresford Hope), in the hope that Her Majesty's Government would raise the question again next year. If the question was thoroughly discussed, the inevitable result would be to apply to our endowed schools the principles which had been already applied to the Universities, and to sweep away once and for all the restrictions imposed by the Act of 1869.

THE ATTORNEY GENERAL, replying to the question put by the hon. Member for Denbigh (Mr. Watkin Williams), said the non-prosecution during the present Session of the Bill for the Amendment of the Judicature Act would render it essential to postpone for another 12 months the coming into operation of the Act of last year. It was intended to introduce a Bill for that purpose.

SIR WILLIAM HARCOURT wished to know whether the new Rules would be laid upon the Table this Session?

THE ATTORNEY GENERAL said, if the hon. and learned Member would place his Question on the Paper, he would endeavour to answer it to-morrow.

MR. MITCHELL-HENRY said, he wished, before the discussion closed, to make reference to another important Bill which had now disappeared below the horizon, and to make a suggestion to Her Majesty's Government respecting it. He alluded to the Irish Judicature Bill. If the House had gone into Committee on the Bill, it would have done so with very imperfect information before it; but he thought they had a claim to be placed in as good a position as the House was as regarded the system of English jurisprudence. In 1867 a Royal Commission, upon which several distinguished persons sat, together with members of the legal profession, was appointed to consider the judicial system of England, but that had as yet been very imperfectly done as regarded Ireland. It was true that an exclusively legal Commission was appointed in 1862, to examine and report on the procedure and fees of the Superior Courts of Ireland, both of Common Law and Chancery. But that Commission was defective in two respects. In the first place, the general public were not represented on it, and in the second, the difficulties of obtaining meetings of the Commission were so great, that a year after its appointment, the quorum necessary for the transaction of business was obliged to be reduced from six to three; and in the end, one of the most distinguished of its members, Sir Joseph Napier, made a separate Report of his own. Now, he knew that if the discussion of the Judicature Bill had gone on, facts would have been made known to the House of a very startling kind, showing the extraordinary inflation of the whole judicial establishments in Ireland; and as a sort of summary of the whole thing, he would now only say that it was conclusively shown that the 19 or 20 Superior Judges in Ireland discharged only one-fourth or one-fifth of the business transacted by 27 Superior Judges in England. One of the most acute and independent Judges in Ireland had drawn attention to these matters, in a series of powerful writings; and it was impossible that his statements and inferences could be ignored in any

future legislation. He suggested, therefore, that a Royal Commission should be appointed, upon which the lay element of the public should be represented, to inquire into the system of Irish Judicature from the highest to the lowest branch, and that no Bill should be introduced, until the country had been placed in possession of all the facts that could be elicited. For his own part, he had not the honour of belonging to the legal profession, and he did not speak for its members; but he did speak for a very large part of the general public, and of the middle classes of Ireland, who were thoroughly ashamed of the multiplication of judicial offices, and were determined that if they could help it, Ireland should be no longer subject to the reproach, that she looked to her connection with England only as a means of obtaining Government patronage and the filling up of offices both great and small. The judicature system of Ireland was to the last degree unsatisfactory, and oppressive to the public and the suitor; but if it was to be reformed, it was necessary that the subject should be thoroughly discussed, and that the second reading of an important Bill of the kind should not be unexpectedly obtained at 1 o'clock in the morning. Such a mode of conducting business was not respectful to Ireland or to England either. Nay, it was not decent or even constitutional, and he, for one, protested against it.

Mr. FORSYTH said, that hon. Members on the Opposition benches were always so much in unity amongst themselves—they never quarrelled, nor had any differences of opinion, oh, no!—that they were greatly surprised that the hon. Members for Cambridge University and for West Kent should be strongly opposed to the hon. Member for Londonderry. He was not going into those differences, nor would he say with which opinions he agreed—it would be time enough next year. He did not at all understand the Prime Minister to have pledged himself to bring in the identical clauses which were now withdrawn, either as regarded letter or substance. The right hon. Gentleman had taken a most judicious course in withdrawing them, especially as he had said he did not find it easy to understand them. In that he (Mr. Forsyth) agreed with him. He had taken great pains to understand the

Bill in connection with the previous Act, and was bound to say he had found it no easy task. The whole mode of drafting amending Bills was so objectionable, and led to such confusion and difficulties, that he intended early next Session to bring the subject before the House with a view to some improvement.

Mr. ANDERSON wondered how long Government was going to continue introducing new Bills that Session. Within the last two days hon. Members would have received two new Bills, one of which appeared to be the first step in overturning the Army legislation of last Parliament, just the same as the Endowed Schools Bill did the legislation passed by the late Government in respect to endowed schools. The other Bill, called the Great Seals Bill, was one the only purpose of which was apparently to abolish certain offices, and give unnamed and unlimited compensation to the officers, and to appoint other people in their places with unnamed and unlimited salaries. He appealed to the Government to withdraw these Bills, as they had been introduced at a period of the Session when the country could not possibly make itself thoroughly acquainted with their proposals.

LORD HENRY SCOTT regretted that the Government had withdrawn the amending clauses of the Endowed Schools Bill. If they were obscure, the Government and the Law Officers of the Crown were to blame in not clearing them up. It was admitted that Clause 19 of the Act of 1869 was so obscure that the Commissioners had been in great difficulty as to how they ought to act. He attached less importance to the *personnel* of the Commission than to the principles which it was to be their duty to apply, and if those principles were not to be explained, he would regret his vote for the change of the Commission more than any other he had given in his life.

Mr. SCOURFIELD said, that without bringing any complaint against the present Commissioners, he thought the vote against them had been necessary, as a protest against certain sentiments that had been uttered. The hon. Member for Hackney (Mr. Fawcett), for example, had spoken of the rejection of the Commissioners as a step that would be fatal to the permanence of constitutional go-

*Mr. Mitchell Henry*

vernment in this country; and the right hon. Member for Greenwich had called upon Parliament to do all it could to strengthen the hands of bodies like the Endowed Schools Commissioners, whose duty it was to defend the public interest against the selfish interest of particular localities—as if the management of the local affairs of the country ought to be left in the hands of a few central authorities. He knew the fondness of hon. Gentlemen opposite for Commissions, and he believed that if they were asked to define their ideas of Paradise, they would say it was a place inhabited by Commissioners, who were engaged in inspecting one another. Commissions and Commissioners, however, did not seem to him to form an integral part of the British Constitution.

Motion, by leave, *withdrawn*.

H.R.H. PRINCE LEOPOLD.

REPORT OF RESOLUTION.

Resolution reported, from the Committee on the Message from Her Majesty [20th July];

“That the annual sum of £15,000 be granted to Her Majesty out of the Consolidated Fund of Great Britain and Ireland, the said Annuity to be settled on His Royal Highness Prince Leopold George Duncan Albert, for his life, in such manner as Her Majesty shall think proper, and to commence from the date of the coming of age of His Royal Highness.”

Resolution agreed to :—Bill ordered to be brought in by Mr. RAIKES, Mr. DISRAELI, Mr. CHANCELLOR of the EXCHEQUER, and Mr. Secretary CROSS.

#### ENDOWED SCHOOLS ACTS AMENDMENT BILL—[BILL 187.]

(Viscount Sandon, Mr. Secretary Cross.)

COMMITTEE. [Progress 23rd July.]

Bill considered in Committee.

(In the Committee.)

Clause 4 (Construction of “express terms” and “original instrument”).

Mr. GOLDSMID thanked the Government for having adopted the suggestion he had made that they should withdraw the clauses to which objection had been taken—namely, the clause under notice, as well as Clauses 5, 6, and 7. He would only add one remark—namely, that he thought it was desirable that in future the draftsmen employed by the Government to draw Bills, should

be instructed not to prepare clauses which were unintelligible even to the Prime Minister of England. If the Prime Minister could not comprehend a Bill drawn by a draftsman of the Government, was it to be expected that humble Members of the House should be able to understand it?

Mr. SHAW-LEFEVRE thought the whole blame should not be thrown on draftsmen. These clauses, if he was not mistaken, must have been drawn to order.

Clause *struck out*.

Clause 5 (Character of religious instruction and qualification of masters); Clause 6 (Character of religious instruction in certain schools); and Clause 7 (Saving of Conscience Clause for day scholars) *struck out*.

Clause 8 (Exercise of certain powers by the Charity Commissioners) *agreed to*.

Clause 9 (Quorum of Commissioners). THE ATTORNEY GENERAL said, the clause was merely substituted for the 48th clause of the Act of 1869, which was repealed in the Schedule.

Mr. KAY-SHUTTLEWORTH inquired, whether it was intended that the Endowed Schools Commissioners should submit schemes to the Education Department till December? If Clause 48 was absolutely repealed, it appeared to him that the powers of the Commissioners to submit schemes would lapse entirely. It was desirable that words should be introduced to give the Commissioners power to submit schemes till December.

THE ATTORNEY GENERAL said, the latter part of the 3rd section of Clause 1 gave the power in question, and removed the difficulty pointed out.

Mr. KAY-SHUTTLEWORTH thought the words in Clause 1 related only to the concurrent powers of the Commissioners. By repealing Clause 48 there would be no machinery for controlling those powers. He hoped the hon. and learned Gentleman would consider this matter before the Report.

THE ATTORNEY GENERAL promised to give the subject his fullest consideration.

Clause *agreed to*.

Clause 10 (Rules for conduct of business by Charity Commissioners) *struck out*.

*Miscellaneous and Repeal.*

Clause 11 (Continuance of powers transferred to Charity Commissioners); Clause 12 (Repeal of Act); and Clause 13 (Short title of Act), *agreed to*.

MR. EARP, in moving the following clause:—

(Elective governing bodies and local trustees to frame schemes.)

"When the governing body of an endowed school, or trustees of a charity making provision for an endowed school, are an elective body, they may, as provided by the Endowed Schools Acts, prepare and submit to the Charity Commissioners in writing a scheme relating to such endowment; and any scheme so prepared by a governing body of an endowed school, or trustees of a charity making provision for an endowed school, and submitted to the Charity Commissioners, shall, if approved by them, be adopted and proceeded with by them in the same manner as if it were a scheme prepared by themselves, subject to the following conditions—namely:—

"(a.) That notice be given to the Charity Commissioners before the expiration of three months after the passing of this Act of an intention to submit a scheme by or on behalf of those who are entitled to do so; and that such scheme be so submitted to the Charity Commissioners before the expiration of six months after the passing of this Act;

"(b.) That any scheme submitted shall have been printed and posted as a public notice in such conspicuous places, and in such manner as is usually adopted in like proceedings in the place where the school is situated to which the scheme refers, fourteen days before it is transmitted to the Charity Commissioners."

said, he did so, because he fully believed that the Commissioners, in undertaking this work, would be assisted by having the co-operation of local authorities.

THE ATTORNEY GENERAL said, there could be no objection to the principle of the clause; but it appeared to him that it was not necessary.

Clause *negatived*.

MR. WHITWELL said, that his hon. Friend the Member for Stafford (Mr. Salt) had a new clause upon the Paper relating to county school committees. In his absence, he (Mr. Whitwell) would simply formally move the clause, in order to afford the Government an opportunity of expressing its opinion upon the point.

VISCOUNT SANDON begged to say, in reply to his hon. Friend, that the Government considered that the object which he had in view would be sufficiently met by the Bill as it stood, as the Education Department had power under the measure to consult the feeling of local bodies. It was the earnest desire

of the Government to have their assistance in the administration of the Act, and they would hail with satisfaction the appointment of an influential county committee to co-operate with the Charity Commissioners in dealing with the endowed schools of their county. Indeed, the Government hoped to be able to take the opportunity of the appointment of the new Commission to ask the assistance of the counties in the matter; but at present he could not say how far such a cause would be practicable in reference to the counties as a whole. He need hardly repeat that the Government attached great importance to the free communication to the Charity Commissioners by gentlemen of knowledge and weight in the counties of their opinions, based upon local knowledge, as to the best mode of treating and developing the endowed schools of their counties.

MR. W. E. FORSTER said, he was glad that the hon. Member had elicited these remarks from the noble Lord, as it was desirable that the Charity Commissioners should endeavour to obtain the opinion of influential local parties in the same way as the Endowed Schools Commissioners had been doing. He thought, however, the better way to carry out the object in view would be not to formulate by actual clauses the method in which the committees were to act.

MR. EARP asked, whether it was proposed to consult borough authorities with regard to schemes affecting their interests?

VISCOUNT SANDON replied that he would be the last person to pass over the claims of the great town populations, with which he was so closely connected.

MR. KAY-SHUTTLEWORTH pointed out that the county committees must not expect to avoid incurring unpopularity, as that was inherent in dealing with the endowed schools.

SIR THOMAS ACLAND wished to speak of the present Commissioners in the spirit of the maxim—*De mortuis nil nisi bonum*. The Endowed Schools Commissioners were not to blame for not having always had the assistance of county committees, as from the position in which they were placed, they found it necessary in dealing with certain local interests, to decline the assistance of local men. He trusted that in regard

to these matters the Education Department would not throw the whole responsibility on the Commissioners, but would make it their business to elicit local feeling by such means as might be most advantageous, in concert with them. He, however, did not think it would be wise for the Government to deal with a small portion of the great question of local government. These educational controversies would never cease until good county government was established.

Clause, by leave, *withdrawn*.

Schedule amended, and agreed to.

Postponed Preamble.

Mr. W. E. FORSTER moved, as an Amendment, to omit the following words relating to the amending clauses which had been dropped:—

“Whereas it is expedient to make further provision for carrying into effect the objects of the Endowed Schools Acts, 1869 and 1873 (in this Act referred to as the Endowed Schools Acts) and for better promoting the main designs of the founders of endowed schools in respect of a liberal education, and of such part of that education as relates to religious instruction.”

THE ATTORNEY GENERAL thought the Amendment might be accepted.

Mr. HEYGATE recommended that the words should be retained.

VISCOUNT SANDON agreed in the feeling of the hon. Member, but thought it hardly fair to squeeze in an opinion in the Preamble, after the alterations which had been made in the Bill.

Mr. W. E. FORSTER held that this portion of the Preamble would convey an insinuation that the Endowed Schools Commissioners did not care for religious education, which was not the fact.

Mr. BERESFORD-HOPE said, that there would be no insinuation in the words, which were simply a plain direction. Although certain clauses had been abandoned, they expected to have an equivalent for them next year. He did not value one rush the material Conservatism of the hon. Member who last night and to-day had put himself forward as the leader of the irreligious Conservatives. [“Oh, oh!”] Perhaps he ought to say the undenominational Conservatives. [“Order!”]

THE CHAIRMAN pointed out that the hon. Member was discussing a subject which did not arise on the Amendment.

Mr. BERESFORD-HOPE said, he should oppose the omission of those words.

Mr. W. E. FORSTER retracted the word insinuation, saying that the part of the Preamble he wished to strike out would be a positive charge against the Commissioners.

Mr. BERESFORD-HOPE explained that unless he thought the Bill would promote a better system of religious education he would vote against it.

LORD JOHN MANNERS deprecated any renewal of discussion on these points, and suggested that it would be better to strike out the Preamble altogether.

Mr. J. G. TALBOT considered it of great importance to retain the Preamble as a guide to those who would have to enforce the Act. Its terms were often appealed to, and if struck out, he should cease to support the Bill.

Mr. KAY-SHUTTLEWORTH asked, what provisions remaining in the Bill, the Preamble would refer to?

Mr. J. G. TALBOT understood that notwithstanding the omission of the clauses referred to, the Bill did more than merely transfer the powers of the Endowed Schools Commissioners to the Charity Commissioners, and the latter were intended to carry out the original Acts in a different spirit from that which had influenced the Endowed Schools Commissioners. [“No, no!”] If not the passing of this Bill would be a farce.

Mr. GATHORNE HARDY was sorry that a dispute should arise on what was immaterial, when what was really material had ceased to be in the Bill. He did not disguise his opinion on the matter. But he must point out that there was now no necessity for the Preamble. He would remind the Committee that last year, the Commissioners stated, when examined, that they did not consider there was such a thing as a real and liberal education without religious instruction. No doubt the Commissioners who would carry out the provisions of the Bill would act upon that principle.

Mr. SULLIVAN warned the Committee, that unless the Amendment was accepted, it would be necessary to raise the question of the original founder who had been a Roman Catholic.

THE ATTORNEY GENERAL advised that the Amendment be withdrawn, in order that the Preamble might be omitted.

Mr. W. E. FORSTER said, he would adopt that course.

Amendment, by leave, *withdrawn*.

Mr. WATKIN WILLIAMS urged that in future, Bills should be so drafted that the time of the House need not be occupied in discussing the meaning of clauses.

Mr. W. E. FORSTER suspected that in this instance the draftsman was not to blame, and that, as had already been suggested, the clauses in question had been drawn to order. He thought that too much had been said about the difficulty of understanding the 4th clause. For his own part, he could only say that he understood it too well. He trusted that on the Report the noble Lord would be able to answer a question that had formerly been put, with respect to the names of the additional Commissioners.

Mr. NEWDEGATE pointed out that if the Committee struck out only the first part of the Preamble, they might be held to have negatived the instructions enjoining the Commissioners to promote religious education, whereas if they struck out the whole, it would be clear that they wished to secure peace, and avoid embarrassing the Commissioners.

Preamble *struck out*.

House *resumed*.

Bill *reported*; as amended, to be considered upon *Monday* next, and to be *printed*. [Bill 228.]

#### CHURCH PATRONAGE (SCOTLAND)

BILLS.—[BILL 139.]

(*The Lord Advocate*.)

[*Lords*.] COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."—(*The Lord Advocate*.)

Mr. EDWARD JENKINS, in rising to move an Amendment, said: Sir, I rise with much reluctance at this period of the Session, to interfere between the House and going into Committee on the Bill; and it is known to Her Majesty's Government that I should have been willing to withdraw my opposition to the Bill in consideration of the position of Public Business, had it not been that I knew that a number of my hon. Friends on this side of the House, Representatives of Scotland, desire to have an opportunity

of entering their protest against the Bill. Intending, therefore, for a brief period to interpose between the House and its business, I may be allowed to crave indulgence whilst entering the protest which I also propose to enter against the Bill. I feel that the Bill is so bad that it could not possibly be made worse, and we cannot make it any better, and therefore I shall take no part whatever in the discussion in Committee on it. But I think it is better that there should be an opportunity afforded to those who hold the views that I do on this question—I mean the views entertained by a large number of Scotchmen—that an opportunity should be afforded us of entering our protest against the dangerous precedents created by it. I trust the discussion on the point, which may occupy a short time, may in the long run save time in Committee. I wish first to point out the difference between the Motion I have put on the Paper and that put on by my right hon. Friend the Member for Montrose (Mr. Baxter). For his was a Motion for delay, and on details; mine is a Motion which asserts a principle—a principle which ought to be asserted on this side of the House in reference to future legislation. His was a Motion which called for inquiry; but mine is totally irrespective of it. I beg to move—

"That, in the opinion of this House, it is not expedient, in abolishing the existing rights of Patronage in Scotland, to ignore the other Presbyterian bodies, and to legislate for the exclusive benefit of the Established Church."

Now, Sir, I venture to say that I conscientiously believe—and the House may accept my opinion for what it is worth—that this expresses the opinion of the vast majority of the people of Scotland, if we take those tests of public opinion which are open to us. Whether we take the Press of Scotland, with respect to its ability, or with respect to its circulation; or whether we take the Resolutions of the Free Church Assembly, I think I am practically justified in saying that in making that Motion I am expressing the opinion of the majority of the people of Scotland. In whose interests is the Bill proposed? Is it proposed in the interests of the Church of Scotland? Then it is in the interests of the minority of the Scotch people. Is it proposed in the interests of the Scotch people? Sir, Her Majesty's Ministers

have had their mouths full of the Scotch Church, but never in all the time have they spoken of the Scotch people. The people's interests have not been consulted. From first to last, I venture to say, that this is a Church Bill, and is against the popular will. If it were in the interests of the Scotch people, then it is too narrow and too weak, and too exclusive altogether, to be accepted as a boon by the people of Scotland. We have asked upon what principle this Bill is based, and I have endeavoured to ascertain whether there is any great moral or political principle in it, and I have come to the conclusion that it is utterly unprincipled. But when I say that, let me say that I do not for a moment say that the right hon. and learned Lord does not see and feel a principle at the bottom of the Bill. I believe the right hon. and learned Lord is really sincere and earnest when he says this Bill will conduce to the progress of Christian principles in Scotland. He thinks it is a good Bill; but I think if he will allow me to say so, that that is simply an amiable delusion, and that in this case he is acting as the cat's paw of certain very clever people in the General Assembly of the Church of Scotland. We are entitled to ask on what principle the Bill is based. Is it introduced for the purpose of correcting admitted blunders in the Act of 1843? If it is, it will be at the expense of persons who were injured by the blunders of 1843. It is a Bill introduced to strengthen the Church, and to spite the people of Scotland. When we examine the antecedent circumstances of the Bill what does it show to us? Was the Free Church consulted? Was there any attempt to establish those friendly relations between the Free Church and the Established Church which the right hon. and learned Lord says he is desirous of promoting? Because, if we are going to establish friendly relations between two ecclesiastical Bodies, surely the way to do it is not to come to Parliament to ask for an Act assented to and promoted by only one side. If the right hon. and learned Lord had received assurances by the Free Church and by the Established Church, then it would have been proper for him to come here and ask that this measure should be passed. But instead of instituting attempts at conciliation, what have we? We have first of all a deliberate attempt to injure the Voluntary

Churches by attracting adherents from them, for the object of the Bill is to create a State Church in Scotland, and to hold out inducements to members of other Churches to come into that Church. I say such a policy as that may be only an insidious policy for a Church to adopt; but, and I say it not offensively, it is a fatal course for a national Government to adopt. Then the object is to unite the right of presentation with the enjoyment, and I cannot help thinking that the object in the minds of those in Scotland promoting this Bill is, that by uniting these two rights under this Act of Parliament, it may be impossible for us easily to upset the arrangement; and when it is proposed, as it inevitably will be, to disestablish the Church of Scotland, we shall be told that we have united the right of presentation and the right of enjoyment, and that we cannot expect Scotland to restore the national endowments. I cannot help feeling that that is really the principle, if there is any principle, which has been at the bottom of the agitation which has resulted in this measure. I think it is right, therefore, that a protest should be entered on this side of the House, on behalf of the Free Church of Scotland, against this being accepted as a finality measure. We enter our protest here to-day that this is not to be accepted as a finality measure, and we say that we hold ourselves free to open the question in future, whether the endowments of the Church of Scotland shall be enjoyed by one Church alone. I do not know whether hon. Gentlemen on the other side have gone into every issue involved in this case. It involves some of the most important issues ever raised, with respect to ecclesiastical subjects, in this House; and in that respect, it is really the most important Bill that was ever brought before the consideration of the House. And I say this—I cannot help feeling that if hon. Gentlemen opposite had gone into the question, and seen what all its relations are, they would have hesitated a long time before they supported Her Majesty's Government on the Bill. We do think that we see a little deeper into the future of the Bill than hon. Gentlemen opposite, with regard to taking advantage at some future time of the precedents which are afforded by it. There have been, in the discussions which have taken place on the Bill, his-

torical references, researches, and disquisitions; but I venture to tell the House that this is not a matter for historical research. It is a matter of the immediate present. When such a question is brought before the House of Commons, what are the issues involved? What are the immediate circumstances of the case? Is the proposition with respect to those circumstances, considering the duty of the Church and its relation to the country, its numbers, and all other circumstances—is it a righteous proposal that is put before us? It is not a matter of history. The history of the Church of Scotland is a thing of the past, if I may be pardoned the expression. I mean it is a thing with respect to which we have little concern in reference to this discussion. Now that Her Majesty's Government have raised the question, we are bound to take heed of the present circumstances, and to ask ourselves whether this is a righteous or an unrighteous proposal. If you did look into the history of the question, history would give you examples of but one conclusion, and that conclusion is that that which would have been right to do in 1843, when the Church of Scotland embraced the vast majority of the Scottish people, it is unrighteous and improper to do in 1874, when the Church of Scotland includes only a portion of the Scotch nation. This is to unite ancient wrongs with modern institutions. We ask—What are the claims which the Church has for this measure to be brought forward? They have neither a superior majority, a superior spirituality, nor superior munificence to the Churches of the majority of the Scotch people. Efforts have been made on that side of the House to show that the Scotch Church really does constitute the ecclesiastical back-bone—if I may say so, of the Scotch people. What are the facts? Look on their munificence. Out of £1,000,000 contributed, the contributions of the Established Church were only £270,000. What are the conclusions to be drawn from that? Either that the Established Church does not embrace the majority of the Scotch people, or else that the nippings and fightings in the Establishment are so great that, although they may be in a majority, the amount of their religious sacrifices amounts only to one-third of those of the Free Church and the United Presbyterian Church. During the last

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two weeks this House has been engaged in ecclesiastical debates. There was an old woman, who was asked by a clergyman whether she had got religion, and she replied—"Yes, I have a slight touch of it now and then." That seems to be the position of this House. We are able to go on, for a considerable period, without any touches of religious discord; but now we find ourselves suddenly immersed in ecclesiastical and religious debates. Two remarkable Bills relating to the only two State Churches which now survive in the Imperial dominions have been brought before this House during the last two or three weeks, one of them introduced by Her Majesty's Government, and the other introduced by a right rev. Prelate in the other House of Parliament, both raising questions of the extremest gravity and extremest peril to the relations between Church and State. Sir, the right hon. Gentleman opposite the Member for Buckinghamshire, at the close of his speech upon this question, taunted my right hon. Friend the Member for Greenwich with reference to the part which he had taken in the disestablishment of the Irish Church, by saying that he hoped that upon his tombstone, at all events, he would not be enabled to have inscribed the epitaph that he has disestablished any other Church. Sir, I say it with all meekness and submission to the opposite side, that it seems to me that between right rev. Prelates and Her Majesty's Government, if things go on as they are going now, there will be no Church left for my right hon. Friend to disestablish. I introduce these questions only because they form part of the conscientious protests which I am entering at this moment against the Bill. I know and feel how painful some of the things which I am saying may appear to hon. Gentlemen opposite; but I can assure them that but for a sense of duty I would not utter one word that I thought would in any way wound their feelings. But I cannot help feeling that the Bill does raise questions which the friends of Establishment might very well have allowed to rest—questions which once raised amongst Scotchmen, we may depend upon it they will never allow to sleep. With the exception of a very small party in the Free Church, who have very peculiar views upon State endowments, this Bill has converted every Free Churchman



from this time forth into a disestablishment man; and I ask the right hon. and learned Lord opposite, with his amiable desire to promote the union of the Free and Established Churches, and his extreme anxiety to see that there should be religious progress in Scotland, whether in raising the question, he has not raised other issues of the most perilous character to those very institutions which he desires to strengthen? The hon. and gallant Member for South Ayrshire (Colonel Alexander) put this question—whether we could not discuss a matter like this without introducing the question of disestablishment and disendowment? My answer is “No,” and that is why I got up to speak this evening. We cannot discuss the question without raising those issues. The Bill itself introduces them to our notice, and if they are raised at all, they have been raised by Her Majesty’s Government. It is idle to say that this is a mere matter of internal arrangement. The proposal touches the very terms and conditions of the relations between Church and State, and I would put two points very briefly in proof of that. It proposes to transfer the patronage, which is legally vested in a body of national trustees, to another body who are not national, but who are sectarian trustees. Does not that touch very deeply the question of Establishment? And therefore, with hon. Members on this side of the House who agree with me in reference to Establishment, does it not fairly raise the question whether or not it is more righteous than to accept the proposals of the Bill, to sever the patronage and the property altogether from the Church? The second point which I put with reference to that is this—that the Bill creates as managers and administrators of Church property, a body of constituents selected, not with reference to their faith, because their faith is the same as that of the majority of the people of Scotland, but with reference to their adhesion to a narrow ecclesiastical body; and it excludes a large number of citizens of the same belief equally entitled to the benefits of the national endowments. Sir, it appears to me, with all submission to Her Majesty’s Government, that these two positions are irrefutable—that they cannot be answered, and that no attempt has been made to answer them on the other side. And those two positions,

taken as we take them to-day, will be positions which will have a very powerful effect on discussions which must inevitably ensue in regard to this measure. The arguments in favour of the Bill have been based almost entirely on fictions. Perhaps that is not to be wondered at. English statesmen, perhaps, are not very intimately acquainted with Scotch ecclesiasticism. One of the most brilliant of modern novelists, and one of the most able and practical of modern statesmen, in a novel which he wrote not long since, put into the mouth of a Cardinal of the Romish Church a sort of description of ecclesiastical affairs in the Church of Scotland. In this conversation, a lady says to the Cardinal—

“You were telling me about Scotland, that you yourself thought it ripe.”

The answer is—

“Unquestionably—the original plan was to have established our hierarchy when the Kirk split up; but that would have been a mistake. It was not then ripe. There would have been a fanatical reaction. There is always a tendency that way in Scotland. As it is, at this moment the Establishment and the Free Kirk are mutually sighing for some compromise which may bring them together again, and if the proprietors would give up their petty patronage, some flatter themselves it might be arranged. But we are thoroughly well-informed, and have provided for all this. We sent two of our best men into Scotland some time ago, and they have invented a new Church, called the United Presbyterians. John Knox himself was never more vigilant or more mischievous. The United Presbyterians will do the business; they will render Scotland simply impossible to live in; and then, when the crisis arrives, the distracted and despairing millions will find refuge in the bosom of their only mother. That is why, at home, we wanted delay in the publication of the bull and the establishment of the hierarchy.”

Sir, the author of that passage is the right hon. Gentleman who has defended this Bill in the House, and brought it forward at the head of Her Majesty’s Government. I am sure that of all men in this House who would be inclined to resent such references as these on the part of young Members, the right hon. Gentleman would be the last; and he will surely not be angry with me for saying that if he were great in political fictions, he has now apparently become great in fictitious politics. [“Oh, oh!”] I maintain that there never was a greater fiction than the speech of the right hon. Gentleman with reference to the relations of the Established Church in Scotland to the Free Church. What did he say? He said that this is an Act which

does not interest in any degree those who are outside, and which greatly interests those who are inside. Now, I ask hon. Members opposite who represent Scotland, whether such a statement as that is not almost an insult to the intelligence of the people of Scotland, and whether it is not almost in fact a contradiction of the circumstances of the case of the history of the relation of the Scotch Church to the people? From first to last, the Scotch people have been bound up with this ecclesiasticism. Those who have left it did so reluctantly and under protest, and nobody can doubt that the natural position of every Scotchman is under the wing of the Scotch Presbyterian Church, whether it be established or whether it be not. Why—if what the right hon. Gentleman had said were true—call this a national Establishment? If it is a matter which concerns only the people inside of the Church, why should it be brought into Parliament and discussed here? The right hon. Gentleman very candidly, the other night, when matters were rather pressing upon the Public Worship Regulation Bill, accepted the assurance from one of my hon. Friends behind me, who is a Nonconformist, that he took an interest in the Established Church; and the right hon. Gentleman admitted that every Nonconformist ought to take an interest in the purity of worship in the Establishment. Is that to be good for England and bad for Scotland? Are the Nonconformists of Scotland, who really have the same creed, the same faith, and the same doctrines and formularies, not to take an interest in the condition of the Established Church in that country, while the Nonconformists in England, who are opposed on many points of doctrine to the Established Church, are permitted, and even invited by the right hon. Gentleman to aid him in purifying and regulating the worship of the Church of England? It is true that those inside the Scotch Church have an interest in this matter, because it combines for them the disposal with the enjoyment of the benefit of these endowments; but has the Scotch nation, to whom the property belongs, no right to come here and protest that this is a proceeding which is invidious, inequitable, and unjust, and against which they strongly protest? Again, the right hon. Gentleman, referring to the statement of my right hon. Friend the Member for Greenwich, that

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the Established Church drove out the Free Church, said—"That, however, is not my view of the great struggle. I think the Free Church resigned, and abandoned her rights and claims in the Established Church, and that, therefore, those rights and claims ought not now to be acknowledged;" although upon the principal questions upon which the Free Church seceded, we are now about to concede to the Established Church those rights. One of the most remarkable things that ever happened was the great sacrifices made by these great Scotchmen when they withdrew from the Church. They sacrificed all the benefits of her endowments, and went out for the purpose of asserting what many men in this House would no doubt be inclined to regard as merely theoretical principles. But when that took place the word "Ichabod" was written on the walls of the Established Church, and the right hon. Gentleman, by introducing a Patronage Bill, thinks he can entirely obliterate it. It is upon such fictions as these that the Bill is founded, and is being carried through the House. Let me, at risk of detaining the House for a moment or two, read one or two passages from the Claim, Declaration, and Protest of the General Assembly of 1842. They say, with reference to the Courts, that—

"not confining themselves to the determination of civil actions, they have stepped beyond the province allotted to them by the constitution, deciding not only actions civil but causes spiritual and ecclesiastical, and that too even when they had no connection with the exercise of the right of patronage; and have united the jurisdiction, and encroached upon the spiritual privileges, of the Courts of this Church."

Then they proceeded to give several instances: and then in 1843, in the last protest they made before they went out of the Assembly, they say—

"And we further protest that any Assembly constituted in submission to the conditions now declared to be law, is not, and shall not be, deemed a free and lawful Assembly of the Church of Scotland according to the original and fundamental principles thereof, and that the Claim, Declaration, and Protest shall be holden as setting forth the true constitution of the Church, and that the said Claim, along with the laws of the Church now subsisting, shall in no wise be affected by whatsoever acts and proceedings of any Assembly constituted under the conditions now declared to be law, and in submission to the coercion now imposed on the Establishment."

In the face of such a protest and declaration as that, how is it that the right

hon. Gentleman can say that the Free Church resigned; that it was not driven out of the Established Church; and that it did not, in going out, assert that it was the Church of Scotland, and that the Established Church remained simply in connection with the State, and was really not entitled to the endowments which it enjoyed? There was but one ground of recommendation, and that was a ground which for some time occupied my attention, and rather drew me in the direction of the Bill. It was that the Bill was likely to be a conciliatory measure, and lead to a reconciliation between the diverse elements of Presbyterianism in Scotland. But, Sir, the noble Lords who in "another place" supported the Bill, and some hon. Members opposite, have admitted that there is no hope whatever, as the result of the Bill, of union with the other Churches in Scotland; and thus the only ground which at all could recommend it to me is cut from under my feet by the supporters of Her Majesty's Government. There is one other matter which I desire to point out. An attempt has been made from the opposite side—and the right hon. Gentleman himself was a party to that attempt—to draw a distinction between patronage in Scotland and patronage in England. The right hon. Gentleman said practically, that patronage in Scotland and patronage in England was not an identical article. I beg to protest against any such assumption as that. I would point out to hon. Members opposite, that in so far as concerns their legal and constitutional relations, patronage in Scotland and patronage in England are precisely the same; and that what is professed to be done by the Bill will be creating a precedent hereafter with reference to patronage in England. Why, Sir, we already see the signs of this in the action taken in the English Church. If anyone reads the Report of the Select Committee of the House of Lords upon Church Patronage, they will find that to a certain extent, they actually propound views which are in the direction of Lord Aberdeen's Act, and which are intended to give the congregations a certain right of resistance to the appointment by the patrons of their ministers. And the thing will go on, and if this precedent is established for patronage in Scotland, we may depend upon it, that the time will come when it will be carried out with refer-

ence to patronage in England. There is only one other point which I feel it necessary to touch upon, and it is this—the right hon. Gentleman the Member for Greenwich, who spoke the other night, and the noble Duke who in the House of Lords supported the measure, are at direct variance with reference to the principles of an Establishment. The right hon. Gentleman thinks that an Establishment should be a universal comprehension of opinions, doctrines, and customs. The noble Duke, on the other hand, said that if they were to make the Church as comprehensive as that, he for one would go in for disestablishment. So we see that the two issues are raised upon which alone Establishments can be defended or supported in the country. Either an Establishment must be as comprehensive as the right hon. Gentleman says, in order to make it a national Establishment; or a fixed and definite creed, to which you will insist that every person who enters it shall subscribe. And what is the natural consequence of such a position as that? It is that when the Church is made to include what it does not comprehend, you form a secularized and divided ecclesiasticism; and, on the other hand, if you deny to it the comprehension of every phase of Christian religion, you make it an impracticable civil institution. On either side, with reference to it, you must fall into the ditch, and my object has been to point the moral of the Bill. It seems already that, even with many hon. Members opposite, the only hope of maintaining a national Church in these days, is that you should emasculate the religion of it, or anything like creed. There is an epigrammatic saying that perplexed Churches were made by Act of Parliament, and not by God. There never was a truer epigram than that, for two perplexed Churches have come to this House during the last few weeks to ask us to patch and mend them. We feel, and have felt in dealing with these questions, how incompetent we were to do that which they ask of us, and what I venture to say in conclusion, without the least desire to create any ill-feeling, is this—perplexed Churches, when they come to Parliament, should be sent away from Parliament to the source whence they derive their inspiration. Let them be cut loose, and let them be guided and protected by God Himself.

The hon. Gentleman concluded by moving the Amendment.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, it is not expedient, in abolishing the existing rights of Patronage in Scotland, to ignore the other Presbyterian bodies, and to legislate for the exclusive benefit of the Established Church,"—(*Mr. Edward Jenkins*.)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Mr. J. W. BARCLAY: I rise to support the Amendment of my hon. Friend the Member for Dundee. I do so, because it appears to me that the proposals of the Bill are most ungenerous and unjust to the non-Established Churches in Scotland, and I crave the indulgence of the House while I endeavour as briefly as possible to state my reasons for saying so. I quite agree with my hon. Friend in thinking that the historical aspect of patronage does not help us much in the consideration of this question, because, however interesting it may be to know the law and practice of 150 years ago, they can scarcely be of service in guiding us to a conclusion now, when circumstances are so entirely different. Neither do I think it of very great importance what was the precise attitude of the Free Church in 1843, because the Free Church as well as the Established Church of Scotland have of necessity progressed with the public mind, and are not now what they were in 1843. The real question is—what is the relation between the different religious parties in Scotland, and what will be the effect of the Bill on the public mind in Scotland in the present day? Now, there was no doubt a time when this measure would have been cordially accepted by the Liberal party in the Church of Scotland, and that it would have prevented the great Disruption which took place in 1843. But many things have happened since then. The ministers of the Free Church have had 30 years' experience of practical Voluntaryism, and the controversy which has been going on more or less since has carried the public mind far beyond patronage, which few now defend; and the great Church question of the day is

*Mr. E. Jenkins*

not the question of patronage, but of the disestablishment and disendowment of the State Church. There has been growing of late years, not only among the non-Established Churches, but even in minds of thoughtful adherents of the Established Church itself, a conviction that disestablishment is only a question of time, and that only on the basis of a common religious equality, can any hope be entertained of a union of the various Presbyterian Bodies of Scotland. There has been a hope that public opinion might so mature towards disestablishment, that the very force and strength of that opinion would bring about the disestablishment; if not with the consent, at least without any bitter hostility on the part of the Established Church of Scotland. These are the reasons which explain to my mind, the forbearance of the non-Established Churches in refraining, as they have done, from political agitation to accomplish what has been, with many, a strong conviction and leading principle, and why Scotch constituencies have not pressed more strongly than they have done on their Representatives the disestablishment of the Church. But this Bill changes the whole position—it closely and directly changes the relations of parties. The non-Established Churches must see in it an attempt to re-establish the Church, and to obstruct the fair course of public opinion; and it will consequently be accepted as the challenge to a conflict on the justice and expediency of State Churches, the result of which will involve more than the fate of the Church of Scotland. There has been nothing more surprising to me in the course of this debate than to hear this measure described as a measure of conciliation for Scotland. If that means that it is a measure for the conciliation of the members of the Established Church, I am not aware that they needed conciliation; but if it means that it is a measure of conciliation to the non-Established Churches, I shall be glad to hear in what it is conciliatory? A noble Duke, who has taken a very active interest in supporting the Bill, has admitted that the Free Church was right in 1843, and has stated his willingness to support and acknowledge that right; but has there been any attempt by the General Assembly or by the Government to open overtures with either of the non-Established Churches for

conciliation? It appears to me inconsistent of the noble Duke to express his willingness to acknowledge the claim, when it is he and his ecclesiastical allies who have done what they could to urge this Bill through Parliament, thereby preventing the consideration of any claim the Free Church might make. To me, the Bill indicates no desire for conciliation, unless it be by terminating the existence of the other Churches. Something has been said about welcoming back those who have left the Church of Scotland. But on what terms are they to be welcomed back? What inducements are to be offered to ministers and congregations returning to the Establishment? Do the ministers of the Establishment propose to share the emoluments of the Church with their returning brethren? I am fully persuaded that there is no hope and no basis of union of the various Churches in Scotland other than Voluntarism; and it is idle to talk of the Bill facilitating a union of the Churches, when that cannot come about without the Free and United Presbyterian Churches abjuring the principles to which they only very recently re-affirmed their adherence. I have endeavoured to state to the House what is my view of religious parties and of public opinion in Scotland regarding the subject of the Bill, and I think I can refer to various circumstances which support my conclusions. In the first place, there has not been of late years any demand in Scotland for the abolition of patronage, and no hon. Member has informed the House that in his experience, the subject has occupied public attention at the recent General Election or at previous side elections. But, from what has fallen from hon. Members opposite, it may be inferred that the measure is part of a compact which secured for the Conservative party in Scotland the support and influence of the Established Church at the last Election. We have heard that candidates were privately dealt with on this question. Now, this Bill is recommended to us as a popular measure in Scotland; but to my mind, there is no stronger proof that it is not popular, than that though the attention of candidates was drawn to this subject, they did not venture to allude to it in their public addresses. Some of them at least had ample opportunities, and I should have

thought would have welcomed any topic that would have relieved them from harping with tiresome iteration on the political delinquencies of the right hon. Gentleman the Member for Greenwich. In my own experience of three elections within the last two years, I have not found that the abolition of patronage was considered a practical question, but I have found myself called upon frequently to express my views in favour of disestablishment and disendowment, when the proper time should arrive for carrying such a measure into effect. I say there has been no demand by the people of Scotland for the Bill. The proposal, as is well known in Scotland, is the result of an agitation of a section of the Established Church clergy, some of whom were the most strenuous supporters of patronage in 1843, and I think it not at all unlikely they will regret their newborn hostility, as much as they ought to regret their support of patronage during Disruption times. But there is reason to believe—and in support of that I may refer to the speech of a highly-respected member of the General Assembly, Dr. Cook—that this measure is regarded by a large body of the clergy of the Established Church of Scotland with considerable anxiety and apprehension; and, so far as I have been able to form an opinion, the laity of the Church of Scotland are very indifferent to it. No doubt, Petitions have been presented to the House in favour of it; but we all know the value that is to be put on Petitions which are got up and paid for by a central organization. But what is the aspect which this Bill presents to the non-Established Churches and their congregations? The Bill completely ignores all the sacrifices which those Churches have made in support and vindication of that very principle which the Bill now declares to be the just and proper arrangement for the election of ministers; and not only does the Bill ignore all their sacrifices, but it is avowedly recommended to Parliament as a measure which is likely to contribute strongly to the ruin of those very Churches which have been built with so much effort, and care, and self-denial. Can it be expected that the non-endowed Churches will submit to treatment so one-sided, ungenerous, and unjust? I am fully persuaded that the passing of this measure cannot fail to

evoke a religious strife in Scotland, which, stimulated by a sense of injustice and the duty of vindicating a principle for which so much has been sacrificed, will only be extinguished by the disestablishment and disendowment of the Church, leaving a residue of angry passions that will prevent for many years any approach to a union of the various Churches into what might be one great national voluntary Church. I do not view with apprehension the disestablishment of the Church of Scotland, either as regards the Church or the nation, but I view with great apprehension the impending religious strife; and I am sure that the people of Scotland deprecate in the strongest manner, any repetition of that unhappy strife and social discord which followed for many years the Disruption of 1843. Sir, the responsibility of such an unhappy state of matters will rest with the Established Churchmen, who provoke a contest by endeavouring to secure for themselves an advantage over Churches they consider rivals, partly at the expense of those very Churches they seek to undermine. I might refer to certain objectionable details of the Bill; but it is not on mere matters of detail that I oppose the measure, but on account of the policy and principle it embodies. The avowed object of the measure is the aggrandizement of the Established Church, not by a measure aiding it to reclaim the lapsed masses, but by granting facilities to entice away members of Churches of precisely the same faith, and as pure and Christian as itself, with the mistaken notion that the aggrandizement of the Established Church of Scotland will strengthen a political party in the State. Is that a policy which the friends of the Church can approve, or in which she can embark with honour? The principle that congregations should have the right to elect their ministers is no doubt a sound principle; but it pre-supposes a duty precedent to the right—the duty of congregations maintaining their ministers. Now, this Bill confers the right without imposing the corresponding duty. Under these circumstances, the right ceases to be a right and becomes a privilege, and the principle really embodied in the Bill is, that it is the right of a section of the nation to elect ministers to a national Church, without undertaking the responsibility of maintaining

that Church; and because that is unjust, and will create a new class privilege, the Bill ought to meet with the opposition of the Liberal party, and is justly condemned by the non-Established Churches in Scotland. And now, in conclusion, I wish to call attention to the mode in which the Bill proposes to deal with what has hitherto been considered a valid right of property, and which was formerly guarded in the most jealous manner. No doubt, Lord Aberdeen's Act removed one of the props of patronage; but the present Bill demolishes the edifice. Compensation, it is true, to an extent not exceeding a year's value of the living is allowed to patrons; but cases have been stated where even in recent years much more has been paid for the right. I have been told on the authority of one who was engaged in the transaction, that the patronage in one of the parishes of Roxburghshire, was within the last 10 years sold separately from the land for £550, the stipend there amounting to £220. In that case the patronage fetched two and a-half times the amount proposed by the Bill. I will not use the words confiscation, because I agree very much with the opinions of the right hon. and learned Lord, that it is very doubtful whether patrons justly held those rights, and whether they were entitled to any compensation at all; but certainly the right hon. Gentleman the Member for Greenwich (Mr. Gladstone) never even proposed to deal with what had been previously considered valid rights of property in so summary a manner. We are told that there is a great difference between advowsons in Scotland and in England; but, certainly the right cannot be more jealously guarded in England now, than it was in Scotland in 1842. In that year in Aberdeenshire, a military force was called out to overawe a recalcitrant congregation, and to support a patron in doing as he liked with what he doubtless considered his own—the presentation of a minister to a church of which he owned the patronage. The House, I think, will listen with interest to a brief extract from the newspapers of the day, giving a glimpse of the state of matters in Scotland in 1842. *The Aberdeen Journal* of March 2nd, 1842, said—

“The Presbytery of Strathbogie meet to-day at Huntly, for the purpose of receiving the presentation in favour of the Rev. Mr. Duguid to

*Mr. J. W. Barclay*

the church and parish of Glaas, and arranging the further proceedings of his settlement. On Monday last, a detachment of the 71st Regiment proceeded from this to Huntly, where we understand they are to be quartered for some time, in case of any attempted repetition of the late scandalous scenes at Culsalmond."

Again, *The Aberdeen Herald* of March 5th, 1842, says—

"The Sheriff, Procurator Fiscal, and Superintendent of Police were at Keith, but no opposition was offered to the Presbytery. As a preliminary measure, as well as to show that Government are determined to support the Strathbogie clergyman deposed by the Assembly, a detachment of the 71st Highlanders is stationed at Huntly, where they remain till further orders."

Sir, I think that it adds to the interest of the case to know that the patron who was thus prepared to adopt measures so extreme, was the predecessor of the noble Duke who introduced the measure into the other House of Parliament—the late Duke of Richmond. And now this right is not only condemned as contemptible, but any patron who may demand compensation for its loss is held up to public opprobrium and contempt. Sir, I do not quarrel with the Government in regard to this; but I wish to point out to hon. Members opposite, that there may be other asserted rights of property as jealously guarded now as patronage was 30 years ago, but without any better foundation. Would it not be well, I suggest to them, to moderate such excessive pretensions while it is still time, instead of clinging to them, uncompromisingly, until as is the case with patronage, it becomes too late? And now, Sir, I thank the House for its kind indulgence, while I have been stating my views on the Bill, which I must oppose both in the interests of the nation and of the Church. Rather than that the Church should accept this fatal gift, it would, in my opinion, be far better for the people of Scotland, better for the interests of true religion, and better for the Church herself, if the State Church of Scotland recognized that her mission as an endowed Church was accomplished, and that the time had come when she must conform her constitution to the mind of the people. By voluntarily accepting the inevitable, she might gather into one fold the various Presbyterian Bodies in Scotland, and trusting not to the State, but to the power of the truths

she inculcates and the affections of the people she serves, enter on a new and wide career, no less useful and no less noble than her glorious past.

MR. ORR EWING: Mr. Speaker—Considering the late period of the Session, the length of the debate on the second reading of this Bill, and the large majority with which it was carried, I regret that the hon. Member for Dundee—who himself is not a Scotchman, although a Scotch Member—has thought it necessary to renew the discussion and prevent this Bill going into Committee. Both the speeches which have just been delivered might have very well been postponed until the House had before it the question of the disestablishment of the Church of Scotland, for, in fact, they were nothing more than disestablishment speeches. I did not speak on the second reading of the Bill as the measure had been so fully discussed, and I was so anxious that the House should come to a vote; but there are one or two points raised by the hon. Member who moved this Amendment, which I desire to reply to. He said—this is a Bill brought in by the Church against the wishes of the people of Scotland. I should like to know on what authority he makes that statement? Was it not the case that the General Assembly almost unanimously supported this Bill? Was it not the case that meetings of 3,000 or 4,000 of the laity were held in Edinburgh and Glasgow which unanimously supported the abolition of patronage? I myself attended a meeting of the citizens of Glasgow, where there were not less than 4,000 people. Have there been any similar meetings held in opposition to the abolition of patronage? Not one. It was a mere fiction, therefore, to say that this Bill was introduced against the wishes of the people of Scotland. The opposition to this Bill is from the clergy, not from the laity of Scotland. We all know that the Liberation Society of England sent an emissary some two months ago into Scotland—Mr. Carvell Williams, I believe, was his name—to rouse the people of Scotland to a sense of their duty, and to warn them that if they allowed this Bill to pass, they would perpetuate the Church of Scotland for generations. What was the result of that visit? A complete failure. That gentleman convened meetings in

many of our large cities and towns. Even in Edinburgh and Glasgow I assert, without fear of contradiction, that not more than 100 laymen attended any one of those meetings, and all the resolutions were moved and seconded by clergymen or office-bearers of the Dissenting Churches. The people made no response to this attempted agitation of the Liberation Society. The right hon. Gentleman the Member for Greenwich in his speech on this question, so hostile to the Church of Scotland, used language so vehement—and his manner almost exceeded his language—that it was well calculated to raise religious animosities—and what has happened since? Has the laity of Scotland shown any sympathy with him? Has there been a single meeting held in support of his views? Not one. I would therefore ask, what right anyone has to assume and assert that this Bill was opposed by the people of Scotland? I believe the case to be the very reverse. I believe the laity of Scotland, if not unanimous, are almost unanimously in favour of the abolition of patronage, which has been such a hindrance to the harmony of religious feeling in Scotland. The hon. Member has made a comparison as to the amount of money contributed voluntarily by the Church of Scotland and the Dissenting Churches of that country. We do not pretend to compare in this respect with Dissenting Churches, because we are relieved from the necessity of raising so much money because of the endowments belonging to the Church—we are able, therefore, to do without seat-rents which Dissenting Churches are compelled to impose, and this is of great advantage to the nation, because it makes it the Church of the poor, as it truly is, for every man, however low his position may be, is welcomed to hear the preaching of the Gospel without money and without price. There is one statement of the hon. Member for Dundee with which I quite agree—the great importance of the question—I believe it to be the most important Scotch measure which has been brought before Parliament since the Union of the two countries. The object of it is to restore to the Established Church of Scotland its ancient constitution, which gave to the congregations of every parish the right, as vacancies occur, to elect their

clergyman, of which right they were deprived by the infamous Act of Queen Anne—an Act which was hurriedly passed through Parliament against the feelings of the people of Scotland, in violation of the Treaty of Union—an Act which was brought in by the enemies of the Presbyterian Church in order to harass and disunite her members; and well has the intention of its promoters been realized, for it has been the cause of all the religious dissensions and secessions since 1733 till the great Disruption of 1843, when the Church was rent asunder. I hesitate not to say that, but for the imposition of lay patronage by this Act of Queen Anne, the secessions of 1733, 1752, and 1843, would never have taken place, and but for it the United Presbyterian or the Free Church would not have been in existence. Sir, I believe that if this Bill receives the approval of this House—which I trust it shall—its ultimate effect will be to unite the Presbyterians of Scotland in one Church, for it removes the only stumbling block in the way. Their forms of worship, their standards of faith, their Church government are the same; but whether this union of Churches takes place or not, it will at all events prevent a minister being thrust upon a congregation against their will, and above all, it will render impossible a similar disruption to that of 1843. It has been said in “another place” by the noble Lord whose death we all deplore, and has been repeated in this House by the right hon. Member for Greenwich, that this Bill is not now required; that at present, and for the last 30 years, we practically have had no patronage, for all patrons, including the Crown and corporations, leave the choice of the clergyman, as vacancies occur, to the congregations. It is quite true that it is almost invariably the rule, and it therefore does surprise me that so much opposition should be raised to giving us *de jure* what it is admitted we have *de facto*. But while I admit that patrons, almost as a rule, since the Disruption, do exercise their privilege generously towards the congregations, still now and again corporations and individual patrons do not act in this spirit, and do attempt, sometimes successfully, to thrust a minister against the wishes of the congregation, and the fact is, that since the Disruption, we



have had in the Church 58 disputed settlements, which have been before the Church Courts. There are also some patrons who consider that it is their duty to perform the responsible trust imposed upon them by law. They therefore, after much earnest consideration and enquiry, present a clergyman to the vacant living, who, however acceptable he may be personally, is not well received, and some members may leave that church, as they feel that the congregation should have been consulted. The Established Church is in this way from time to time weakened. Hence the necessity of this Bill to abolish this excrescence on the Presbyterian Church. But the right hon. Member for Greenwich opposes the Church being released of this incubus. He said—"I am quite ready to make a large admission to the right hon. and learned Lord. From the point of view of a member of the present Established Church of Scotland, it is impossible, I think, to object to his efforts to get rid of patronage. He is acting in conformity with the traditions at least of the popular party in the Church; but as he ignores and sets aside those whom you drove from the Church, he therefore opposes this Bill." I must say this is visiting the sins of the fathers upon the children unto the third and fourth generation; but I should like to know who the right hon. Gentleman means by "you," when he speaks of driving those estimable men from the Church of Scotland? Does he mean the Conservative party? Why, the Liberal party was in power from 1832 to 1841—with the exception of a few months in 1834—when this great conflict was going on in the Church, and if they had wished they could have legalized the Veto law, which was all the non-Intrusion party desired, and a moderate and reasonable desire it was. But the Liberal party failed to bring in a Bill during these nine years to prevent this breach in the Established Church. It is true a Conservative Government came in in 1841; but the right hon. Gentleman cannot mean to place the blame upon it, for he was a Member of that Cabinet—President of the Board of Trade—until 1845, when he left it, because of increasing the grant to the Roman Catholic College of Maynooth, which College he permanently endowed in 1869; and perhaps it would have been well for the

peace of Ireland if he had gone a step further and purchased the allegiance of the Roman Hierarchy out of the funds from the Irish Church. We might now have found them a more contented people. Or does the right hon. Member mean by "you" the clergy, the office-bearers, or the laity, who did not leave the Church in 1843. I assure him and the House that many of the clergy and the great majority of the laity who remained in were non-Intrusionists; but while they were so, they loved the old Church too well to desert her at that trying moment, and had those who left her then not acted so hastily, we would have had lay patronage abolished long ago. But a generation has elapsed since then, and is it fair or just that the members of the Church of Scotland should be for ever burdened with this grievance—which the right hon. Gentleman himself admits to be a grievance—because our forefathers in Parliament or in the Church did not grant the reasonable desires of the non-Intrusion party of the Church? It would be preposterous to treat the members of the Church of Scotland in such a way. In another part of the speech of the right hon. Member for Greenwich, he made use of the following important words:—"This Bill is introduced to strengthen the Church. But how? By weakening the other religious Bodies; by inducing adherents of the Dissenting Bodies to come over, man by man; and I ask the question fairly and publicly, is this a fair and generous course? You compelled them to become Dissenters by contemptuously spurning and casting aside proposals which you are now adopting. You do not offer to receive them back in bodies. If you did, I would withdraw my opposition to the Bill we are now discussing." Sir, these are important words, which no one occupying the high position that the right hon. Gentleman does would use, unless he was authorized by the parties he represented to do so. I am the more inclined to think that he may be so authorized, for I know he has been in close and confidential intercourse with the leaders of the Free Church and the United Presbyterian Church, who have been daily canvassing Members in the Lobby of this House. I have always understood that two parties were necessary to a bargain. If, therefore, the right hon. Gentleman is authorized

to make that statement on behalf of the Free Church, I, on behalf of the Established, beg to state that we will be delighted to receive them back in a body. Nothing will give me so much pleasure as to see the reunion of these two Churches, which should never have been separated. I have always looked upon the Disruption of 1843 as a great national calamity. I will not yield to the right hon. Gentleman in my admiration of those noble men who left the Church then—many of them men of great intellectual power, of great earnestness of purpose, and all of them men of the highest Christian character. There never was a darker day for Scotland than that on which they left the Established Church. I have always looked upon the conduct of the Governments of that time, in resisting the moderate and reasonable request of the non-Intrusion party, as a great political blunder. The passing of this measure will reverse that policy, and I trust it may be the means of reunion of these Churches on terms equally honourable and advantageous. I desire that the doors of the Established Church should be opened wide to the ministers of all Presbyterian Churches. I desire that the congregations, as vacancies occur, should be enabled to elect clergymen of other Presbyterian Churches, and that those clergymen so elected should, after making a declaration that they adhere and conform to the standards of the Church of Scotland, be ministers of the Church, and minister of those churches for which they are elected. I believe the Church Courts have the power of altering the rules for the admission of clergymen belonging to other Churches; but, if not, I hope the Lord Advocate will insert a clause, giving them this power, when this Bill is in Committee. Sir, much has been said as to the position of the Church in the Highlands. I admit, at once, that the condition of the Church of Scotland in these parishes is not satisfactory; although it is not so bad as the enemies of the Church represent, and endeavour to make this House believe. But, I would ask, what is the cause of the weakness of the Church there? The existence of lay patronage, which it is the object of this Bill to abolish. The Highlanders are now as strongly attached to the principles of an Established Church as they were in 1843. They

have firmly adhered to the principles on which they left the Church. They have not become Voluntaries—they look upon Voluntarism as a sin. The Voluntary Church has never taken root there; and hon. Members from Scotland know that one of the main reasons for giving up the proposed union of the Free and United Presbyterian Churches, was the determined opposition of the Highlanders against that union. Well, Sir, if it is true that the inhabitants of the Highlands are still attached to the Established Church, which they left because of the collision between the Church and Civil Courts on account of this law of patronage—is it too much to expect that when this law is abolished, they will again return to the old Church to which they are still so much attached? I hope that, under these circumstances, the hon. Member will withdraw his Amendment, and allow the Bill to go into Committee.

SIR EDWARD COLEBROOKE said, he was anxious to give the reasons why he could not support the Motion of his hon. Friend. He did not pretend to be an enthusiastic supporter of the Bill; indeed, he felt that the Government had entered into a course of action which might be productive of danger and difficulty. In this case, everything depended on the shape which might be given to the Bill in Committee, whether it would prove merely an instrument of discord or a change for good. He was therefore anxious for the Bill to go into Committee, in order that it might receive the shape which would make it beneficial. He believed that, with certain Amendments, it was a measure which would be beneficial to the Church of Scotland by adding to its members, and that it might give it a better selection of ministers, and a better administration so far as regarded the poor. He did not think that an object to be deprecated. He did not see any reason why that legislation should be vetoed. On these grounds he supported the measure brought forward by Her Majesty's Government, and he trusted that the hon. Member for Dundee would be satisfied with the discussion he had raised, and allow the House to go into Committee on the Bill.

THE LORD ADVOCATE said, that that was the third day of the discussion, and he would suggest that hon. Members should now allow the Bill to go

committee. He hoped hon. Member wished to speak, and who had had the opportunity, would just take themselves with the reflection—often done so—that the speeches spoken were very likely the best in debate.

RAMSAY said, he did not wish to obstruct the progress of the Bill, but there were some points in the debate which should not be passed over without attention. The hon. Member for Dumfriesshire (Mr. Orr Ewing) spoke comely of the efforts made by the Church and the Established Church to raise funds for promoting religious instruction, and he said that the efforts of the Free Church were especially beneficial to the poor, though less in amount, in consequence of seat-rents being charged in the Free Church and not in the Established Church.

The hon. Member said he was acquainted with the Highlands, and that he knew those regions well; (Mr. Ramsay) challenged him to show any Free Church case in which rates were levied in the Highlands. The hon. Member could adduce no such case.

In large towns, no doubt it was not so; but it was equally the custom in the Established Church. Seats were given free to the poor as usual in the Free Church as in the Established Church.

That, he would remind the House, was not a Bill for the abolition of patronage—that could not be said of the true sense of the word. The Bill transferred the right of electing ministers from those who were at present in that right, to a new electoral body to be created by the law. The House of Scotland had always recognised the right of communicants to elect their own ministers, and that, too, whether they belonged to the Dissenting or the Established Church; but the Bill added also such adherents as the House desired for the purposes of the Bill to determine to be members of the congregation. That was a new, vague, hitherto wholly unknown policy, in the Dissenting, or in the Established Church. They had been told lately that that was a Bill with which those who were not members of the Established Church had nothing to do. He could understand that, if it abolished all but members of the Established Church from payments towards expenses of the Establishment. He had,

however, heard from its supporters no such thing. It left the Established Church power to extract from the unwilling hands of those who were not its members the same payments as heretofore for the support of that Church. He did think that whatever increase to the members of the Established Church that Bill might bring, there would be no increase to the power of Christian truth and morals, and that he valued much more than the interests of the denomination to which he belonged. What the House ought to consider was, whether the measure would tend to increase and strengthen the beneficial influences of Christianity, and not those of any particular party either in Church or State.

MR. LYON PLAYFAIR suggested that after the former division which had pronounced the sense of the House in such a marked manner, it would be scarcely fair in the hon. Member for Dundee to divide the House on going into Committee.

MR. HORSMAN also hoped the hon. Member would withdraw his Motion.

MR. EDWARD JENKINS said, he was willing to do so, but would like to know whether the House would go on with the Bill after the adjournment?

MR. DISRAELI said, that would depend upon the courtesy of other hon. Gentlemen who had Motions on the Paper.

MR. EDWARD JENKINS said, in that case he should not proceed with his Motion calling the attention of the House to the circumstances attending an alleged Zulu rising in Natal.

In answer to MR. CAMPBELL-BANNERMAN,

MR. DISRAELI said, the House would sit at 12 to-morrow to discuss and dispose of the Expiring Laws Continuance Bill.

Amendment, by leave, *withdrawn*.

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to*.

Bill considered in Committee.

House resumed.

Committee report Progress; to sit again *this day*.

ROYAL (LATE INDIAN) ORDNANCE  
CORPS COMPENSATION BILL.

(*Mr. Raikes, Mr. Secretary Hardy, Mr. William Henry Smith.*)

[BILL 219.] SECOND READING.

Order for Second Reading read.

MR. GATHORNE HARDY, in moving "That the Bill be now read the second time," said, the corps to which it referred were excluded from the Army Regulation Bill, and, therefore, there was no power to compensate the officers for the bonuses they had paid on their commissions. The late Government had intended to allow the system of such bonuses to die out gradually, but were advised that such a course was illegal. A correspondence ensued between the India Office and the War Office on the subject, and a dispute arose as to the source of payment. In the meantime, the officers were suffering great hardship. It was therefore agreed between himself and his noble Friend at the India Office to refer that question to an eminent retired Judge, and the Bill was the result of his decision. He made it a condition of the arrangement that the funds now in possession of the different corps should be handed over to the general fund. That condition had been included in the Bill, and its fairness would, he thought, be at once apparent and admitted. The right hon. Gentleman concluded by moving the second reading of the Bill.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Secretary Hardy.*)

GENERAL SIR GEORGE BALFOUR supported the Motion, and asked that the House should be made acquainted as early as possible with the relative proportions of cost to be borne by the Indian and Home Governments.

Question put, and *agreed to.*

Bill read a second time, and *committed for To-morrow.*

CO-OPERATIVE STORES AND THE  
CIVIL SERVICE.—QUESTION.

MR. ASSHETON CROSS asked the hon. and learned Gentleman the Member for Marylebone, Whether he would postpone his Motion on the Paper for that evening, and allow the House to go on with the Scotch Patronage Bill?

SIR THOMAS CHAMBERS said, that although the question he had placed upon the Paper was one in which many hon. Members took the greatest possible interest, he could not resist the appeal of the Government, and he should therefore withdraw his Motion in favour of the Church Patronage (Scotland) Bill.

And it being now five minutes to Seven of the clock, House suspended its sitting.

House resumed its sitting at Nine of the clock.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

ARMY—CITY OF LONDON VOLUNTEERS  
—THE ARTILLERY COMPANY'S DRILL  
GROUND.—RESOLUTION.

SIR JOHN LUBBOCK, in rising to move—

"That it is expedient that Her Majesty's Government should take such steps as they may deem necessary to obtain for the City of London Volunteers the use of the Artillery Ground in Finsbury, at such times as it is not required by the Honourable Artillery Company or the City of London Militia,"

said, he did so for the purpose of calling attention to the refusal by the Hon. Artillery Company to permit the City of London Volunteers to drill in their Artillery Ground in Finsbury, and trusted that the Government would be prepared to accede to the very modest and reasonable request which he had to make on behalf of the latter body, that they should be permitted to use the ground in question at such times as it was not required by the Artillery Company. The City of London Volunteers numbered 4,500, and the average number attending drill was 1,000. At present, the nearest place they could resort to for the purpose of drilling was Hyde Park, whereas the Artillery Ground was within a quarter of a mile of the Bank of England. The Hon. Artillery Company derived a large revenue for their corps from the land, which was eight acres in extent, beyond what they paid for rent in respect of it. The property, which belonged to the Corporation, was leased by the Lieutenancy to the Company, and the lease contained a provision that the

d should be available for drilling trained Bands of the City of London required for that purpose. It assumed with considerable show that the City of London Volunteers represented the ancient City Trained Bands, applications had been made at various times by the Lieutenancy, by the Lord Mayor, and by the commanders of the Volunteer Corps to the London Artillery Company to permit volunteers to drill in the Artillery Ground, but without success. He trusted, however, that without in any way interfering with the rights of private property, Her Majesty's Government would give their influence with the London Artillery Company to induce them to accede to this very reasonable request on the part of the City of London Volunteers. The hon. and gallant Friend the Member for Berkshire (Colonel Loyd-Lindsay) told him last year, that if all legal objections were withdrawn, he would use his influence with the London Artillery Company to allow the Volunteers the use of the ground. On that understanding, he presented his Motion, and induced the members of the Volunteers to write to the London Artillery Company, withdrawing their claim as a right, and submitting the use of the ground as a matter of public policy. But although that letter was stated by the hon. gallant Gentleman to be perfectly satisfactory, no result followed, and the London Artillery Company had absolutely refused to allow the Volunteers to use the ground, even when they were not themselves using it. If the ground in question was taken up wholly by the London Artillery Company, there would be no objection to be said; but that body, if anything, was by no means large, as its full complement was 620, of which 240 never led a drill at all; 140 not more than nine drills in the year, and the number of effectives were 150. As he told last year, when he made a Motion, that it was a matter of private property; but it was not freehold, but leasehold, and as he had said, the right was specially reserved to the City Trained Bands, and since their time the ground was to exercise. It was, in fact, private property, and it was therefore within the province of Government to exert its power and influence to induce the London Artillery Company to make their splendid exercise ground as useful as possible. The Volunteers did not ask for admittance to

the ground as a right, but as a matter of public policy, and in the interest of the nation. The hon. Baronet concluded by moving the Resolution of which he had given Notice.

#### Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "it is expedient that Her Majesty's Government should take such steps as they may deem necessary to obtain for the City of London Volunteers the use of the Artillery Ground in Finsbury, at such times as it is not required by the Honourable London Artillery Company or the City of London Militia,"—(*Sir John Lubbock*),—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

THE CHANCELLOR OF THE EXCHEQUER said, he must appeal to the hon. Baronet not to press the Motion. He did not know whether the hon. Baronet was present that afternoon when the Prime Minister made an appeal to hon. Gentlemen who had Notices on the Paper to waive them, with a view to enable the House to go on with the Committee on the Church Patronage (Scotland) Bill; but as those Gentlemen had complied with the request, he hoped the hon. Baronet would do so likewise. The hon. Baronet's Notice stood fourth on the list, and if those hon. Gentlemen who had precedence of the hon. Baronet had not been disposed to waive their right, the Motion could not have been brought forward, at all events, until a late period. His right hon. Friend the Secretary of State for War, in whose Department this matter lay, did not conceive it probable that he would have been expected to be here to give an answer to the question. Under those circumstances, he appealed to the hon. Baronet, whether it would be fair to the House, or to those hon. Members who had waived their rights, to proceed further with the discussion of this Motion? He would, however, at once admit that he was not prepared to enter into the merits of the case, beyond saying that it was in substance, if not in words, precisely the same as that which had been brought forward last year; it was a question between two private rights, and not one in which the policy of Her Majesty's Government was concerned. He hoped, therefore, the hon. Baronet

would rest satisfied with having called public attention to the question.

MR. CAMPBELL - BANNERMAN said, he must also recommend the hon. Baronet not to press the Motion, though it was only fair to him to say that he was not in the House when the Prime Minister made his appeal. It was from that circumstance that the hon. Baronet was not aware that other hon. Gentlemen had withdrawn their Motions. But there was this difference between this Motion and the others which stood on the Paper, that this Motion was not likely to give rise to a long discussion as the others might have done. He thought, however, his hon. Friend might be very well contented with having called attention to the matter. For his own part, he regretted that the hon. and gallant Gentleman the Member for Berkshire (Colonel Loyd-Lindsay) was not present, because after what that hon. and gallant Member stated last year, he (Mr. Campbell-Bannerman) was surprised that his hon. Friend (Sir John Lubbock) should be under the necessity of bringing the subject again before the House; for it was stated last year, that if certain expressions should be withdrawn on the part of the Volunteers, the Artillery Company would be willing to grant the use of the ground. Then, why had not that arrangement been kept? He thought that the Government might well be called upon to give some assistance in the matter, it appearing to be a reasonable request on the part of the Volunteers.

LIEUT.-COLONEL HAYTER contended that the subject embraced in the Motion of the hon. Baronet was one which, sooner or later, would have to be dealt with by the Government. The City Volunteers, indeed, had no hope of getting possession of the ground referred to, unless the Government lent them their assistance. He thought it was a pity that some 3,000 should be sacrificed to about 150.

Question put, and *agreed to*.

Main Question. "That Mr. Speaker do now leave the Chair," put, and *agreed to*.

SUPPLY—*considered* in Committee.

House *resumed*.

Committee report Progress; to sit again upon Monday next.

*The Chancellor of the Exchequer*

## SERVICES ON THE GOLD COAST.

### POSTPONEMENT OF MOTION.

SIR EARDLEY WILMOT, who had given Notice of a Motion in favour of a clasp, as well as a medal, for service south of the Prah, said, that after the appeal made by the Prime Minister, and having regard to the state of Public Business, he should postpone his Motion.

MR. GATHORNE HARDY said, with reference to the Motion of the hon. Baronet the Member for Maidstone, just negatived, that if he could have supposed the hon. Gentleman would persist in going on with his Motion, he should have been in his place. With regard to the Motion of his hon. Friend (Sir Eardley Wilmot), he was anxious that he should have an opportunity of bringing it forward, although he must candidly tell his hon. Friend that he did not think that House the proper place to originate the question of honours to the officers and men in Her Majesty's service.

SIR JOHN LUBBOCK said, that he had not been requested to postpone his Motion. It was unreasonable of Her Majesty's Government to complain of hon. Members for bringing forward Motions which had been on the Paper for weeks, and which they had not been even asked to defer.

## CHURCH PATRONAGE (SCOTLAND)

BILL [*Lords*].—[BILL 159.]

(*The Lord Advocate.*)

### COMMITTEE.

Bill *considered* in Committee.

(In the Committee.)

Clause 1 (Extent of Act); and Clause 2 (Commencement of Act) *agreed to*.

Clause 3 (Repeal of Acts 10 Anne c. 12., and 6 & 7 Vict. c. 61. Appointment of ministers in future).

GENERAL SIR GEORGE BALFOUR, in moving as an Amendment, in page 1, line 28, after "repealed," leave out to "thereanent," in page 2, line 12, and insert—

"And considering that patronage and presentation to kirks is an evil prejudicial to the liberty of the people and planting of kirks, and unto the free calling and entry of ministers into their charge, discharge for ever hereafter all patronages and presentations to kirks, whether belonging to Her Majesty or any lay patrons, presby-

and others as being unlawful, unwarranted, and contrary to the doctrines and liberties of the Presbyterian Kirk of Scotland, and do hereby rescind, and make void and annul all rights and rights granted thereanent, and all Acts made in Parliament, or in any judicatory, in favour of any patron or of any whatsoever, so far as the same doth in any way relate unto the presentation of kirks; and do enact, statute and ordain that no persons hereafter shall in any time hereafter take any such presentation, under pretext of any title, infestment, or Act of Parliament, possession or whatsoever which are hereby repealed, to subscribe, or seal any presentation to any within this Kingdom, and discharges the effect of any infestments hereafter bearing a title to patronages to be granted in favour of for whom the infestments are presented; and that no person or persons shall either on behalf of themselves or others procure, receive, or make use of any presentation to any kirk within this Kingdom; and it is further declared and ordained that if any presentation shall hereafter be given, procured, or received, that the same is null and of non effect, and that it is unlawful for presbyteries to reject the same, or to refuse to admit any to trials thereupon, notwithstanding thereof to proceed to the installing of the kirk upon the suit and calling, with the consent of the congregation, on whom it is to be obtruded against their will; and do enact, statute and ordain, that whoever hereafter shall, upon the suit and calling of a congregation, after due examination of the literature and conversation, be admitted by any presbytery into the exercise and function of the ministry in any paroch within this Kingdom—that the said person or persons without presentation, by virtue of their admission, shall have sufficient right and title to possess and enjoy the manse and glebe, and the whole rents, tithes, and profits which the ministers of that paroch had formerly possessed and enjoyed, or hereafter shall be modified by the Commissioners for plantation of kirks; and do enact, statute and ordain, that all heritors and tacksmen of tithes, heritors, lifers, or others, subject and liable in payment of the ministers' stipends, to make payment of the same notwithstanding the ministers' want of presentation; and ordains the Lords of Session and the judges competent to give out decreets of sentences, letters conform, homing inhibitions and all other executorialia upon the said presentation of ministers by presbyteries, as they formerly in use to do, upon collation and citation following upon presentations from ministers: Declaring always, That where ministers already admitted upon presentation and obtained decreets conform thereupon, that the said decreets and executorialia following upon shall be good and valid rights to the ministers for suiting and obtaining payments of stipend; and the presentation and decreet conform obtained before the date thereof shall be valid ground and right for that effect, notwithstanding the annulling of presentations by the effect of this present Act: And because it is just that the just and proper interest of congregations and presbyteries in providing of kirks for ministers be clearly determined by the general assembly, and what is to be accounted the interest of the congregation having that interest; there-

fore, it is hereby seriously recommended unto the next general assembly clearly to determine the same, and to condescend upon a certain standing way for being a settled rule therein for all times coming. It is hereby provided that, pending the consultations of the general assembly in communication with the various kirk sessions, presbyteries, and provincial synods of the presbyterian churches, in settling the rule for naming, proposing, electing, and appointing ministers to churches and parishes in Scotland, the whole of the presentations hitherto vested in Her Majesty and others shall be vested in the Lord High Commissioner to the general assembly, who shall exercise this right to present to vacancies, subject to the feelings and wishes of the congregation."

said, he was unfortunately obliged to go back to the past history of the Church of Scotland, because without bearing in mind the circumstances of former years, they could not possibly understand those of the present day. The Reformation brought about a desire in Scotland to be free from the corruptions of the Church of Rome. Not only was freedom of worship established in Scotland, but the people rose up strongly against all opposition. In 1561, the Church was independent, and exercised all her rights, including that of presenting ministers. That continued until the year 1638, when, under the Stuarts, the Church came into bondage, and so remained until 1649. In that year, an Act was passed, distinctly giving the Church the right to nominate its own ministers. The Church was free until 1661, when, with the Restoration of the Stuarts, evil days came again. In 1689 the Stuarts were expelled from Scotland, and in the following year, the Presbyterian Church became entirely free. From that time up to 1712, the Church exercised every power which a free Church ought to exercise. They had the right to choose their own ministers. Again in 1712, an unfortunate Act was passed under the government of Queen Anne, giving certain parties the right to impose on the Church of Scotland whatever ministers they wished, and the Church had never ceased to complain of the tyranny of that Act. At that time, the Church of Scotland was quiescent under that Act; but in the early part of this century, they raised themselves up to try and free themselves from oppression, and in 1833 an endeavour was made in the House of Commons to repeal the Act of Queen Anne; but unfortunately, Sir Robert Peel was successful in preventing

the rescinding of the Act. No one could read the debates of that period without coming to the conclusion that the Church of Scotland had invariably been staunch to the principles of the Act of Queen Anne. It was moved in the General Assembly, however, that the Scotch people should have the right of veto on the ministers presented to them. That was in operation for five years. The civil Courts were then called upon to interfere, and they saw that the Veto Act was illegal. From that time, various attempts were made to give back to the Church of Scotland the right to nominate her own ministers, but unfortunately all the efforts failed. The Free Church of Scotland had now been in operation 30 years, and during that time, her congregations had exercised the right of selecting their own ministers. With that example before them, he thought it right to come and ask the House that, instead of accepting the various provisions of the Bill of the Lord Advocate, they should give back to the people of Scotland, the right of fixing the mode in which their ministers should be selected. It was true the Bill of the Lord Advocate proposed to give them that right; but he held that this House had no right to dictate to the people of Scotland the manner in which they should nominate their ministers, and to that part of the Bill he distinctly objected. He would therefore ask the Lord Advocate to consider the Amendment he had to propose, which would give to the General Assembly the right to decide the manner in which they would elect their own ministers, and would then give to the people of Scotland an expression of opinion as to the mode in which that right should be exercised.

THE CHAIRMAN: I must inform the hon. and gallant Gentleman, that I have had an opportunity of consulting the highest authorities in the House as to the language of the Amendment, and I must tell him and the Committee, that the first sentence being unusual, unprecedented, and irregular, I cannot put it to the Committee. It has never been the practice of Parliament to make recommendations to other bodies, but to enact laws; and I can only put to the Committee the latter part of the Amendment—the operative part.

GENERAL SIR GEORGE BALFOUR said, in that case, he would propose the latter part of his Amendment, to leave

out from “repealed” to “thereafter,” and insert the following:—

“It is hereby provided that, pending the consultations of the general assembly in communication with the various kirk sessions, presbyteries, and provincial synods of the presbyterian churches, in settling the rule for naming, proposing, electing, and appointing ministers to churches and parishes in Scotland, the whole of the presentations hitherto vested in Her Majesty and others shall be vested in the Lord High Commissioner to the general assembly, who shall exercise this right to present to vacancies, subject to the feelings and wishes of the congregation.”

THE LORD ADVOCATE: The hon. and gallant Member was quite right in having voted against the second reading of the Bill, if he intended to propose this Amendment, for it is quite inconsistent with the purport and tenour of the Bill. I was surprised that he objected to the second reading of the Bill, because last Session, he said that he would vote for the abolition of patronage. It is, however, quite out of the question that an Amendment of this kind can be adopted by the Committee. The Amendment is apparently of this character—patronage is to be repealed nominally or provisionally, or in some way which I do not understand, and the Lord High Commissioner, representing Her Majesty is to have the whole of the patronage placed in his hands, at least, until the General Assembly of the Established Church shall have made arrangements with the other Presbyterian Churches. But with respect to that, I regret to say that we have had no encouragement to enter into consultation with those Churches. In the month of April, before the Bill was brought forward, there were meetings in Glasgow and Edinburgh of the two principal Dissenting Presbyteries, and there the Free Church and the other ministers intimated that they could have no communication with the Government in reference to the question of the abolition of patronage. Therefore, it would be vain for us to approach those Churches; and although I hope matters may mend in this respect, I regret to say that, so far as any open declaration on their part is concerned, we have had hitherto no encouragement. We are, however, sincerely desirous that there should be a reconciliation of the Presbyterian Churches, and I wish to avoid using any language which might produce an irritating effect, or tend to prevent that good feeling which I trust will

*General Sir George Balfour*



yet exist between the Established Church and the other Presbyterian Churches. It has been stated that the question of disestablishment has been raised in consequence of the introduction of this Bill; but that question of disestablishment was raised last year, before there was any discussion in this House in reference to the abolition of patronage. I am sorry to say that a majority of the members of the United Presbyterian Church had declared for disestablishment then, and have declared for it now. Then, further, the Free Church, before there was any movement of this kind in reference to patronage—I mean in Parliament—contended for the disestablishment of the Church of Scotland and the Church of England. I think it must be obvious, therefore, that to stop the progress of the Bill until we have had communications with the Churches to which I have just alluded would be not only useless, but a waste of time. We are now trying in the interest of the Church of Scotland to get patronage removed, and I do not see how those who maintain that popular election is the proper mode of electing ministers can oppose such a measure. When we have got rid of patronage in the Established Church all Churches will so far be on a footing of equality, and a barrier which now exists will have been removed. I submit that the proper course for the Committee to pursue is to negative this Amendment.

MR. RAMSAY said, if he were a Churchman he should certainly object to the transfer of the power of electing the minister to a new body not known in Scotland. In Scotland the communicants were regarded as the only congregation. They looked to no Act of Parliament to confer on them that right; but they looked to the charter which was conferred on them by the Founder of Christianity Himself.

MR. LYON PLAYFAIR suggested that it would be better to withdraw the Amendment.

Amendment, by leave, *withdrawn*.

MR. ORR-EWING moved, as an Amendment, in page 2, line 2, to leave out the word "shall," and to insert the words "is hereby declared to."

MR. CAMPBELL-BANNERMAN: What is the effect of the Amendment?

MR. ORR EWING: The congregations of Scotland do not like the Act of Parliament to declare a right which they believe they possess already.

MR. LEITH: It appears to me that this Amendment is to declare what the law of Scotland is in regard to the power vested in the communicants and other members of the congregation. The hon. Member desires not that we should give the power, but to declare that it now exists in the Church of Scotland.

THE LORD ADVOCATE: Before the Act of Queen Anne was passed, the right of presentation was in the communicants and members of the congregation. [MR. LEITH: No; the congregation only.] In the congregation, which included the communicants. I do not see anything material in the Amendment, but I am not inclined to oppose it.

MR. CAMPBELL - BANNERMAN said, that if the Amendment referred to the state of things previous to the passing of the Act of Queen Anne, it effectually stopped all the Amendments of which Notice had been given by his hon. Friends around him, with reference to the constitution of the elective body.

MR. ORR EWING said, the hon. Member for Aberdeen (Mr. Leith) objected to the Amendment, because the previous Acts did not mention communicants as forming the congregation. If the House intended that the ratepayers should have the right, then he thought it would be inconsistent to put the Amendment; but he thought they should take a division to settle whether the ratepayers were to have the right.

MR. HORSMAN said, he was rather perplexed with the explanation, but he understood that the Bill was to make a change in the existing law. By the existing law the right of nominating ministers was vested in the patron. They repealed that, and intended to vest it in the communicants and congregation; but he understood the Lord Advocate to say that by the simple repeal of the Act of Queen Anne, things went back to their former state, and vested it in the congregation. Now, by Lord Aberdeen's Act, the right of patrons was continued, but subject to the rights of congregations. That was existing law.

THE LORD ADVOCATE: Lord Aberdeen's Act is repealed, as well as the Act of Queen Anne.

MR. LYON PLAYFAIR denied that the word "Church" would represent the true state of the case, because the Act of 1690 gave the election to heritors and elders. Now, they admitted the heritors here; but beyond that, it would be an unfair proceeding to shut out the Committee from discussing the Amendment by inserting a few words which nobody understood the meaning of.

MR. M'LAREN failed to see that the Act of 1690 gave the people of Scotland a satisfactory right to have a voice in the election of ministers.

MR. ANDERSON remarked that the clause as it stood was an enacting clause. The proposition of the hon. Member for Dumbarton would make it merely a declaratory clause.

THE LORD ADVOCATE was of opinion that the Act of 1690 did not give the heritors or elders a right of presenting a minister to a parish, but merely the right of proposing one. That meaning of the Act was laid down by the official representing the Lord Advocate of that day, and the objection of respectable parishioners was held good.

MR. M'LAREN admitted that there was no doubt patronage was abolished by the Act in question, but it did not follow that it was transferred to the public. That was one of the evils which the friends of the Established Church had to complain of.

GENERAL SIR GEORGE BALFOUR contended that the Act of 1690 did not make the Church of Scotland free. It certainly gave the heritors and elders influence over other electors, and that was what had been complained of. At the same time, he did not think the House of Commons should dictate to the people of Scotland as to how they should elect their ministers.

On the understanding that it would be brought up on the Report,

Amendment, by leave, *withdrawn*.

MR. ANDERSON, in moving, as an Amendment, in page 2, line 2, after "vested in" to insert "the ratepayers of the parish along with," said, he hoped he should not be considered hostile to the Bill in taking that course. As it at present stood, it appeared to him to be of a very sectarian character, and the object of his Amendment was to make it as broad as possible. The Bill was not to abolish patronage, but to transfer it

from one somewhat narrow body to another still narrower body. He wished to provide that in making that transference from one body to another, care should be taken that the body to which the patronage was to be transferred should be at least as national as that from which patronage was to be taken. The Bill as it now stood would not do so. The object of his Amendment was to make the constituency somewhat broader than that by adding the ratepayers to the electing body. Indeed, there were others who, in his opinion, ought to be added, although it might be difficult to constitute such an enlarged body, for there were many members of congregations who were not ratepayers who ought to have some say in the nomination to the pulpit. In this country, as well as in Scotland, much was left in the working of the parishes to females, and he thought it entirely wrong not to give them a fair share in the election of clergymen. He should be glad to vote for any Amendment which would make the Bill wider than it was, and there were many Amendments of that kind on the Paper. But on the whole he thought his own Amendment was the best, as it was the broadest, and he therefore moved it.

MR. MARK STEWART said, the Motion of the hon. Member for Glasgow (Mr. Anderson) at first sight was very taking; but a little consideration showed that it would be ridiculous to entertain it for a single moment, and not only that, but the other Amendments to which the hon. Member referred. If ratepayers were allowed to have a direct voice in the election of clergymen, every one who had any knowledge of Scotland knew that there would be nothing but confusion and turmoil in such elections. Besides, it was a proposition that no other religious or irreligious community would submit to. What would the Roman Catholics say, if Protestants were to get the legal right to appoint the clergymen of their churches; and what would the other Presbyterian denominations say if members of the Established Church were to claim the right to elect the ministers of their Church? This was a question which referred to the Established Church of Scotland only, and though she would be willing to take in any other Church, or any other persons who would come into her fold, it

would not be right to thrust upon her those who had shown towards her dislike, if not hatred, and who might put into the ministry clergymen inimical to her interests. ["No, no!"] What happened at the time of the Disruption, when party spirit ran high? Town councils are said to have taken great pains and trouble to put into the Church pulpits clergymen who were inimical to and hostile to the Church of Scotland. The whole nation had a right to the services of the Established Church; but they would not give the Established Church into the hands of her enemies. The right hon. Gentleman the Member for Greenwich, on the second reading, completely passed over that part of the subject. He never supposed the possibility of such a thing taking place. He (Mr. Stewart) maintained that no sensible person in that House who entertained a comprehensive view of the Church of Scotland would support the Amendment of the hon. Member for Glasgow.

COLONEL MURE said, he must oppose the Amendment, but not on the same grounds as the last speaker, and certainly not on the ground that no sensible man would propose such an Amendment. His motive was his utter objection to a ratepaying constituency as being unsuitable. The great object he had in view in supporting the Bill was to try to conciliate other Churches; and if anything was eminently calculated to have the very reverse effect, it would be the introduction of a ratepaying constituency. He desired to make the body entrusted with that power as ecclesiastical as possible.

MR. ERNEST NOEL said, he was of opinion that if such a power as that proposed in the Amendment were given to the ratepayers, they might elect a minister who might be of some denomination different from that of the Church, or of no denomination whatever, which could not but be regarded as an insult to the Established Church of Scotland. He objected to the Bill altogether, but would certainly vote against the Amendment.

COLONEL ALEXANDER said, every hon. Member who knew the Highland parishes was acquainted with the fact, that in the Highlands there was a particular prejudice against taking the Sacrament, and it was only on particular occasions it was partaken of, and there-

fore there were very communicants in those districts. He however would repeat what he said on the occasion of the second reading, that the Bill was a matter of internal organization with which Dissenters had nothing to do. They had no right to say that United Presbyterians had a right to choose their own ministers, and to deny Churchmen the same right. If the Amendment were passed, there would be a danger of swamping the Established Church, and the game on the other side would be "Heads, I win, tails, you lose."

MR. HORSMAN said, that amongst other questions raised was this—"What is a Dissenter?" In England, they knew very well what a Dissenter was, and they knew what it was in Ireland also; but in Scotland, there were no Dissenters, and therefore the term was not so well understood. They had the Free Kirk and the United Presbyterians; but there was no difference either in their creed or worship, and they went out from the Established Church merely on the question of patronage. As there were as many as seven Amendments on the Paper, each fixing a different constituency for the election of the ministers, and each evincing a dissatisfaction at the narrowness of its existing scope, the Committee ought to choose that one which opened the door widest, so as to facilitate the return of the Free Church and the United Presbyterians into the body of the Established Church, now that patronage, the point on which they had separated, was done away with. They should choose that Amendment which would unite the greatest amount of support. He did not think the proposal to make the ratepayers the electoral body would meet with much support in Scotland, and therefore he would advise the hon. Gentleman the Member for Glasgow to withdraw his Amendment. It was clear that the constituency must be a religious, a Congregational, a Presbyterian, or a Protestant constituency, and the Amendment which most fully answered those requirements was that of his hon. Friend the Member for Fifeshire (Sir Robert Anstruther). All the three Churches he had mentioned were identical in doctrine and ceremonial, and would become identical in government, if they had the opportunity given to

them to show a common interest in the selection of a minister.

MR. ASSHETON CROSS hoped the discussion would not be allowed to range over the whole of the seven proposals, and therefore he would suggest that for the present it should be limited to the question of the ratepayers. He believed that there was a great objection to the Amendment on both sides of the House; and that it was as much opposed to the principles of the Free Church and of the United Presbyterians as it was to those of the Established Church. The object of the Bill was to put the Church of Scotland into the position in which she was originally. The general principle of all Presbyterian Churches, he understood, was that no minister should be imposed upon them simply by the nomination of a patron, but that the congregations should have the power of electing their ministers, and what they wanted by this Bill was to put the Church of Scotland on the same footing as the other denominations. If the Committee were to insert "ratepayers" in the clause, they would do that which no Presbyterian Body would do of themselves.

MR. LYON PLAYFAIR thought the hon. Gentleman would do well to withdraw his Amendment. The proposal was obviously an unpopular one at the present moment; but whilst he acknowledged that, he must say that it was not so monstrous as had been endeavoured to be made out by some hon. Members. He knew of churches in which it prevailed, and had not failed to provide them with a succession of excellent clergymen.

SIR EDWARD COLEBROOKE asked those who recognized the congregation as having rights, who were the congregation? For his own part he considered the seatowners constituted the congregation, independently of the sacramental test. Unless Her Majesty's Government could lay down some satisfactory test, he would rather take the Amendment of his hon. Friend, than have the matter decided by a purely ecclesiastical tribunal. He did so for this reason—in appointing a minister of a congregation they were not only dealing with an ecclesiastical matter, but they were raising a person to a considerable social position, and one which gave him considerable civil influence in his parish,

and therefore it was important beyond the interests of the communicants that the appointment should be a good one. It was only right that those persons who had some influence in the parish should have some influence in the election. That fact was recognized by the right which the heritors possessed hitherto, independently of any ecclesiastical test. Why should the Committee say that any one who did not accept this religious test was necessarily an enemy, and would vote for the worst person possible?

MR. M'LAREN said, if he had to choose one of the seven Amendments, he should certainly choose the one of his hon. Friend the Member for Glasgow, for he considered it the right of every parishioner to vote for the election of minister. Its justice was shown by the fact that half of the people in Scotland did not belong to the Established Church. This, however, might be said against it, that in some instances the ratepayers might be a narrower constituency than the communicants.

MR. CAMPBELL - BANNERMAN said, he failed to discover that there was any virtue in a ratepayer, which entitled him to vote for the election of a minister. However much he desired to liberalize the electoral body, he could not see that it was possible to widen its basis; and he was disposed to agree with the Government that the best thing they could do was to leave the choice of the minister to those who were personally and directly interested in him, and who were to have the benefit of his ministrations.

MR. ANDERSON said, it appeared to him that in a national Church, maintained with national funds, every inhabitant of a parish had something to do with the election of a minister, and should accordingly have a voice in the matter. However he did not wish to multiply divisions, and he would therefore withdraw his Amendment.

Amendment, by leave, *withdrawn*.

MR. VANS AGNEW, who had an Amendment on the Paper, to insert in line 2, after "vested in," "a committee consisting as to one-third of its number of heritors being Protestants, and as to the remaining two-thirds of," said, he would withdraw it, having been informed that it would place the patronage in the

*Mr. Horsman*

hands of the heritors, with the communicants and the members.

Amendment, by leave, *withdrawn*.

SIR EDWARD COLEBROOKE, in moving, as an Amendment, in page 2, line 2, to leave out "the communicants," and insert "the seatholders," said that the only point in which his Amendment differed from that of the hon. Gentleman the Member for the University of Edinburgh was this—that it created what he thought was a very proper restriction of the operation of the clause to the heads of families.

MR. GRANT DUFF: I regret that I cannot support the Amendment of my hon. Friend behind me; nor, to say the truth, do I see a single Amendment on the Paper which I care to support. It seems, indeed, to me, that the fairest and justest course that can be taken by those who, like myself, disapprove of the Bill from beginning to end, and who made their protest against it by voting with my right hon. Friend the Member for Montrose, is to let hon. and right hon. Gentlemen opposite pass it, much in the form in which they have brought it in, merely expressing a hope that it will turn out a happier measure for Scotland than I fear it will.

MR. M'LAGAN approved of the Amendment, thinking that the seatholders were the most proper persons in whom the power given by the clause could be vested. He trusted, however, that the hon. Member for the University of Edinburgh and the hon. Member for Lanarkshire would come to an agreement upon the question under discussion.

MR. HORSMAN suggested they should select one out of the seven similar Amendments and divide upon it to save time. By adopting that course a door might be opened to bring back the three great religious Bodies, which were one in doctrine and practice, into unity; and then the Bill would be a most useful one. After what the hon. Gentleman (Mr. Grant Duff) had said, he (Mr. Horsman) wondered the hon. Member did not go to bed instead of sitting there. If by the Bill all came back to one Church the measure would be extremely creditable to the Government and very satisfactory to the House to pass.

MR. DALRYMPLE said, the objection to seatholders was, that it would include heads of families and exclude the

female members of those families. He concurred in the suggestion that it would be convenient if hon. Members would agree upon which of these Amendments, which were all alike in intention and very similar in language, they would support, and then the Committee could divide at once.

MR. LYON PLAYFAIR said, if the suggestion was adopted, he hoped the division would be taken, not on the substitution of seatholders for communicants, but on the addition of seatholders to communicants. It had always been the custom in the Church of Scotland to acknowledge the heritors; and by letting them into the Bill, they would not only restore the language of the old Acts, but make it more difficult to admit the Free Church again within its pale.

MR. J. S. HARDY objected to the term seatholders, on the general ground that it would include the rich and might exclude the poor. His object in supporting the Bill was, that he thought it would pave the way to a general reconciliation.

Amendment, by leave, *withdrawn*.

MR. ORR EWING moved, as an Amendment, in page 2, line 2, the omission of "communicants and other members of the," so as to leave the election vested in the "congregation."

THE LORD ADVOCATE said, he would accept the Amendment, subject to the subsequent definition of congregation.

MR. LYON PLAYFAIR said, in that case, he should move that the definition include seatholders.

Amendment *agreed to*.

SIR ROBERT ANSTRUTHER moved, as an Amendment, in page 2, lines 3 and 4, after "respectively," insert "and in the congregation of any other Protestant church or churches in the parish." He considered that as far as the Free Church were concerned, they went out of the Church in 1843 upon free principles; and the demand made by that Church, it was utterly impossible to assent to. They still remained out, and he (Sir Robert Anstruther) submitted that they should fall back upon the Act of 1690, when the ministers were elected by the congregations. He thought the Amendment would prove of immense benefit to the Establishment

and would add greatly to its prosperity. Were the right to elect the ministers confined to members of the Established Church the Church would be open to the reproach of being a mere sect, but this would be removed by allowing all Presbyterian congregations to have a voice in the election of the parish minister.

MR. ORR EWING opposed the Amendment, on the ground that it would form an insurmountable barrier to the union of the Established and Free Churches of Scotland. He believed the General Assembly had a strong objection to it, and if they wanted a union with the Free Church, they must get them to come in in some other way.

MR. CAMPBELL BANNERMAN said, he was also of opinion that the Amendment was impolitic and objectionable. It would not effect the object for which it was designed—the bringing back of the Nonconformists to the Establishment. He objected to it as an attempt to set up a sort of secondary Established Church in Scotland, over which the State would have no control. He also wished to know how Protestant Churches were to be defined, and where the line was to be drawn.

MR. RAMSAY entered a protest on the part of the other Protestant Churches of Scotland against their having that duty of electing ministers of the Established Church thrust upon them. He was sure that it would be anything but satisfactory to them if the Amendment were carried.

MR. ERNEST NOEL thought that the Amendment would have the effect of rendering the Established Church more national than it was at present. He held that an Established Church kept up for a minority of the people was an established injustice. The people of Scotland were at that moment still Presbyterians.

SIR JOHN HAY said that the parish church in Scotland was open to every person in the parish, whereas the Dissenting church was only open to subscribers.

MR. HORSMAN said he heartily supported the Amendment as calculated to render the Established Church more national, and so to prevent her disestablishment; but he would suggest that the word "Presbyterian" should be substituted for "Protestant," as he thought his hon. Friend had made a mistake in using the latter term. They were now

asked to legislate for a Church which was confessedly the Church of the minority, and they were asked to give that Church by new statutory enactment, fresh recognition and fresh power. That was a thing that was actually unprecedented in the annals of English legislation. They were bound to do all they could to make that Church popular, strong, and useful; but when they were asked to take statutory action, and give further power to it as a national Church, they were placed in a false position. He should support the Amendment, believing that if they passed the Bill in its present form, they would make the majority of the nation enemies to Establishment.

MR. GATHORNE HARDY said, the Amendment was inconsistent with the principle of the Bill. The measure was intended to abolish patronage in the Established Church of Scotland; but that Amendment would set up a system of external patronage in that Church in its worst form. The hon. Member for Fife could hardly be in earnest in proposing that all the Protestant Bodies in Scotland should elect the ministers of the Church of Scotland. The different Presbyterian Bodies were not on such terms of friendship as would make them act together cordially in the election of ministers, although he trusted the time would come when they would do so. But if anything more than another could tend to retard that result, it would be anything like an attempt to force a mode of electing their ministers on the Scotch people. The nearer allied sects were to each other, the greater often was their hostility, just as the quarrels between brothers were the bitterest. By trying to force the Presbyterian Churches to come together by pressure from without, Parliament was likely to do more harm than good.

COLONEL MURE supported the Amendment, the adoption of which would, he believed, induce many persons to withdraw their opposition to that measure. He did not believe that the proposal of his hon. Friend would compel any one to take part in the election of ministers. By creating discontent among the Dissenting Bodies of Scotland, that Bill, as it stood, would undermine the position of the Established Church, and the day was not far distant when they would combine to attack her. In order to prevent that eventuality, the object they

had in view was to restore patronage to where it ought to be, so as to smooth over the difficulty and re-unite the ancient Church of Scotland. The bitter feeling which was said to exist between the Free Church and the Church of Scotland was never heard of till the present Bill was before the House.

THE LORD ADVOCATE, although sympathizing to a considerable extent with the object of the hon. Member for Fife, and being anxious for agreement among the different Presbyterian Churches, yet felt himself unable to accept that Amendment. If he had made such a proposal himself, he might have been accused of offering the other Churches a bribe to bring them over. From communications he had held with them he believed that members of the Free Church did not want the privilege which the Amendment would give them, and that they concurred in the view expressed by the hon. Member for Falkirk (Mr. Ramsay).

MR. REID wished for a more precise definition of the term "seatholder," so as to limit it to regular attendants. At present, therefore, he could not support the Amendment.

MR. LYON PLAYFAIR hoped the Amendment would be withdrawn.

MR. M'LAREN thought that if the clause was to be amended, it should be by adding the words "heritors" or "ratepayers," and not in the manner proposed.

Amendment, by leave, *withdrawn*.

MR. LEITH, in moving as an Amendment, in page 2, lines 3 and 4, after "respectively," to insert "and also in the inhabitants generally of the said parishes, being ratepayers and members of any of the congregations of Protestant Churches in Scotland," said his Amendment differed in form, but was identical in principle with the Amendment of the hon. Member for Fife just withdrawn. In conjunction with the proposition, he desired to embody the condition that the selection of ministers should be extended to licentiates or ministers of any of the Presbyterian Churches of Scotland.

THE LORD ADVOCATE said, that the question had already been disposed of, involving as it did, the extension of the electoral body to "ratepayers" and

"other Protestant Communions," each head having been proposed and rejected by the Committee. For that reason, he could not accept it.

Amendment *negatived*.

MR. ANDERSON moved, as an Amendment in page 2, line 17, to leave out from "and the courts" to "thereof," in line 22, inclusive. The object was to deprive the Church Courts of the power of finally settling all questions connected with and arising out of the appointment of any minister thereof.

Amendment proposed, in page 2, to leave out from the word "and," in line 17, to the word "thereof," in line 22, both inclusive.—(Mr. Anderson.)

Question proposed, "That the words 'and the courts of the said church' stand part of the Clause."

THE LORD ADVOCATE opposed the Amendment. The Bill abolished the civil rights of election, and to the Church Courts ought to be given the power of settling disputes which might arise under the new system of election.

COLONEL MURE thought that all fighting in the Church Courts should be put an end to, and therefore supported the Amendment.

MR. CAMPBELL BANNERMAN would vote in favour of the Amendment. He thought it dangerous to allow the Church Courts such supreme power as was given by the Bill.

GENERAL SIR GEORGE BALFOUR thought the simplest process to arrive at a satisfactory conclusion would be to repeal the Act of Queen Anne.

MR. TREVELYAN protested against the exemption of national property from the influence of the Civil Courts.

MR. ANDERSON said, that as under the Bill as it now stood, there would be no appeals if civil right should be interfered with, he must take the sense of the Committee upon his proposal. He considered that the effect of the clause would be to set up a sacerdotal usurpation.

Question put.

The Committee *divided*:—Ayes 104; Noes 45: Majority 59.

Motion made, and Question proposed, "That the Chairman report Progress, and ask leave to sit again."—(*Mr. Lyon Playfair.*)

THE LORD ADVOCATE hoped that the hon. Member would allow the clause to pass.

Motion, by leave, *withdrawn.*

Clause, as amended, *agreed to.*

Motion made, and Question proposed, "That the Chairman report Progress, and ask leave to sit again."—(*Mr. Lyon Playfair*); put, and *agreed to.*

House *resumed.*

Committee report Progress; to sit again upon *Monday* next.

#### TRAMWAYS PROVISIONAL ORDERS CONFIRMATION (*re-committed*) BILL.

[*Lords.*].—[BILL 220.]

#### COMMITTEE.

Bill *considered* in Committee.

(In the Committee.)

#### Schedule I.

MR. BERESFORD HOPE, moved as an Amendment, in page 2, line 5, to omit the words from "London" to the word "Middlesex" in line 8. The hon. Member said his reason for doing so was, that these tramways were generally objected to by the inhabitants of the metropolis.

Amendment proposed, in page 2, to leave out from the word "London," in line 5, to the word "Middlesex," in line 8.—(*Mr. Beresford Hope.*)

MR. A. MILLS said, he had visited the locality, and saw no objection to the proposed extension.

MR. CAVENDISH BENTINCK said, the tramways had been approved of by the local authorities, and a Committee of Parliament, and on those grounds he should oppose the Amendment.

Question put, "That the words proposed to be left out stand part of the Schedule."

The Committee *divided*:—Ayes 90; Noes 8: Majority 82.

House *resumed.*

Bill *reported*, without further Amendment; to be read the third time upon *Monday* next.

#### OPEN SPACES (METROPOLIS) BILL.

On Motion of Mr. WHALLEY, Bill for affording facilities for vesting in the Metropolitan Board of Works Open Spaces, Gardens, Squares within the Metropolitan District for the exercise and recreation of the public, *order* to be brought in by Mr. WHALLEY and GEORGE BOWYER.

Bill *presented*, and read the first time. [Bill 22]

House adjourned  
Two o'clock

#### HOUSE OF COMMONS,

*Saturday, 25th July, 1874.*

MINUTES.]—PUBLIC BILLS—*First Reading* Bills of Sale Amendment \* [231]; Pri Leopold's Annuity \* [232].  
*Second Reading*—Expiring Laws Continuance [201]; Post Office Savings Bank \* [22] Fines Act (Ireland) Amendment \* [222].  
*Committee—Report*—Turnpike Acts Continuance [186]; Royal (late Indian) Ordnance Corps Compensation \* [219]; Valuation (Ireland) Act Amendment \* [134].  
*Considered as amended*—Boundaries of Rectories and Rural Deaneries \* [212].

The House met at Twelve of the clock

#### PARLIAMENT—POINT OF ORDER— SATURDAY SITTINGS.

#### QUESTION.

MR. SULLIVAN said, he wished draw the attention of Mr. Speaker to the Standing Order of the House, which says that the House at its rising on Friday shall stand adjourned to the following Monday, unless the House shall otherwise order, and asked whether that being so, the present sitting was regular?

MR. SPEAKER said, the Standing Order had been complied with, inasmuch as the House had "otherwise ordered" and Business had been set down on the Paper in the shape of certain Bills, in accordance with that Resolution, to be proceeded with at 12 o'clock that day.



**SUPERANNUATION ACT—COUNTY COURT CLERKS.—QUESTION.**

**SIR EARDLEY WILMOT** asked the Secretary of the Treasury, Whether, considering that the County Courts have been established nearly thirty years, and that many of the clerks have served from the opening of the Courts in 1847 to the present time, he will consider the claim of the clerks of County Courts to be entitled to the benefits of the Superannuation Act 1859?

**MR. W. H. SMITH** said, the clerks in question were employed by the registrars of the Courts. They were appointed by them and were removable by them, and were not, in fact, servants of the Government in any way or shape. They could not, therefore, be superannuated without further legislation, as they did not come under the operation of the Act; neither did their employers, the registrars.

**SUPREME COURT OF JUDICATURE ACT (1873) AMENDMENT BILL.**

**QUESTION.**

**SIR HENRY JAMES** said, he wished to put a Question to the hon. and learned Gentleman the Attorney General, of which he had given him private Notice. He (Sir Henry James) had learnt, with great surprise, that the right hon. Gentleman the Prime Minister, in his statement on the previous day, had announced the intention of the Government to allow the Judicature Bill to drop, and that statement was supplemented by a further announcement by the Attorney General, that he purposed introducing a Bill to postpone the period at which the Judicature Act of last Session was to come into operation. That statement had also taken the profession and the public by surprise, and in his (Sir Henry James's) opinion, the course thus indicated was likely to lead to a very unsatisfactory condition of affairs. The House would remember that it was now nearly 12 months ago since the Judicature Act of last Session passed. The time fixed for the coming into operation of the Act was the 2nd of November, 1874, a period which allowed some 16 or 17 months for the consideration and preparation of the several arrangements necessary for carrying it into effect. Not only the late and present Governments,

but also the whole House, which had taken part in the discussion of the Act, stood pledged to keep faith with the profession as to the Act coming into operation at the time named. Now, however, it seemed it was proposed to postpone the coming into operation of the Act for 12 months, and although the state of "suspended animation" which would be the result might be supposed to involve inconveniences which were more theoretical than practical, still he ventured to think that the inconvenience would be very great. The members of the profession and the Judges, anticipating the changes in November, had made their preparations for them. He might mention that the district registrars, the local Bars, and the Bar generally, had made their arrangements. There were matters also connected with the future existence of Serjeants' Inn, in consequence of the Judges ceasing to be members of it after November, 1874, that had been arranged for. Nothing could be more inconvenient, therefore, than that this Act should be postponed until November, 1875. He saw, moreover, no reason why the pledge which had been given in 1873, when the measure was discussed, should not be kept. The discussion of the Judicature Act Amendment Bill would not occupy many hours in Committee, and he must express his regret that it had not been proceeded with in preference to the Scotch Patronage Bill, with regard to which no such pledge as he had mentioned had been given. In order to go on with it now, it would not be at all necessary to take up the Irish Judicature Bill, from which it might easily be disassociated, and which could be passed early next Session. That Bill and the English Amending Bill were perfectly distinct, and should be kept distinct. The English Bill came down on the 23rd of June, and progress had been made with it. It had been read a second time, it had passed into Committee, and he could appeal to his hon. and learned Friend to say that it had received nothing like a factious opposition. He hoped his hon. and learned Friend would try to complete it, as he (Sir Henry James) felt that a few hours more would have completed it at its last sitting. The two Bills, as he had said, were perfectly distinct. They did not come into operation on the same day, as the Irish Bill did

not come into operation until 1st January, 1875. What he wished to impress upon his hon. and learned Friend was, that there was no reason why they should not pass the English amended Act. It appeared the Prime Minister had stated that it had been found necessary to put it off to another year, inasmuch as the Rules had not been laid on the Table; but on that point, he thought there must be some misunderstanding, for the Bill could not depend on Rules which would be to a great extent subject to its provisions and created by them. Under those circumstances, he hoped his hon. and learned Friend would accept the view which he now urged upon his attention and proceed with the Bill, the discussion of which, as he said before, was not likely to occupy more than a few hours. They could separate it from anything connected with the Irish Courts, and he would suggest to his hon. and learned Friend that if that were done, that would be the only matter that need stand in their way. Though he would rather see the Rules on the Table before the Bill was passed, yet it should be remembered that the Rules were only matter of procedure, and that they should not affect the question of the Bill passing that Session. He was not making those remarks in any factious spirit; but, on the contrary, was ready to render any assistance towards the passing of the Bill, and he thought the House would not object, if necessary, to sit a day or two longer for the purpose of passing it. The Question he wished to ask the Attorney General was, Whether the English and Irish Bills might not be separated, and the former carried through Parliament this Session?

THE ATTORNEY GENERAL said, although his hon. and learned Friend had given him private Notice that he was about to put a Question to him on the subject which he had just mentioned, yet that Notice had reached him only a few minutes before he entered the House. He might add that his hon. and learned Friend was aware that it did not rest with the Attorney General to regulate the Business of the House, and to say what Bills should be proceeded with and what Bills stopped. He certainly understood that what was stated by the Prime Minister yesterday was the result of deliberate consideration — namely, that those Bills should not be proceeded with.

His hon. and learned Friend was aware that application would be made on Monday for leave to bring in a Bill to postpone the operation of the Judicature Act for a year, and that, at present, the amending Bill stood for Monday. His hon. and learned Friend would therefore excuse him, if he said he had not had an opportunity of considering the various statements that had been made on the subject; but he should be glad to give him a definite answer on Monday.

#### TURNPIKE ACTS CONTINUANCE

BILL.—[BILL 186.]

(*Mr. Clarr Read, Mr. Selater-Booth.*)

#### COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. M'LAREN, in rising to move—

"That the mode in which expired Turnpike Acts in Scotland have hitherto been dealt with, and which this Bill proposes to follow, is unjust in principle, and ought not to be continued."

said, he would not take up much of the time of the House upon the matter; but he should like shortly to explain the grievance which existed. In England, as hon. Members knew, when Turnpike Acts expired, there was a body to whom the maintenance of the roads was handed over; but in Scotland, there was no such law, and if the Turnpike Acts were allowed to expire, there was no provision for keeping up the roads. Last year, for the first time, the Scotch expired Acts were placed in a separate Schedule of the Turnpike Acts Continuance Bill, with the intention that they should be dealt with in the same way as the English expired Acts. A Committee was appointed, over which a noble Lord on that side of the House presided; but the reference to the Committee was found to be so restricted, that it did not include Scotch expired Acts, and therefore they could not take up any question relating to Scotland. It was suggested that a separate Committee should be appointed for the consideration of Scotch Bills, in the same manner as was done with English expired Acts; but this was not done, and the consequence was, that all the expired Scotch Acts—45 in number—were included in the renewal Bill now before the House. It was proposed in the Bill that they should be continued for one

year, and thereafter until the end of the next Session of Parliament, which meant that the expired Acts should all have an existence of two years more. That was exactly what was done last year; and there being no Committee to refer them to, they might in the next and the year following be dealt with in the same way, and thus be establishing a machinery for continuing these Scotch Acts until the end of time, without ever being able to review them. The effect of this system was such, that the feeling in Scotland was almost universally in favour of the abolition of tolls and turnpikes. ["No, no!"] An hon. Member said "no, no," which meant that the feeling was not almost universal. Well, he (Mr. M'Laren) would restrict the expression as much as the hon. Gentleman liked, and he would say only that there was a strong feeling in Scotland in favour of the abolition of tolls. The proof of that was to be found in the fact that 16 counties in Scotland had already applied for, and obtained, private Bills for throwing the maintenance of the roads on rates in the counties. There were many other counties in which the same feeling had been expressed. Another proof of the accuracy of his statement was, that in the metropolitan county of Edinburgh, the feeling was so universal that last Session the county trustees and the town councils unanimously resolved to give notices for Bills to abolish turnpike trusts on all the roads. Each party gave the required notice. Preliminary meetings were held, and it was expected that they would be able to arrange the clauses and get a Bill passed. Circumstances occurred—he did not wish to blame anybody for it, as he did not think anybody was to blame—under which both Bills were referred to the Committee; but the county trustees appeared to have changed their minds to a certain extent, because they urged that the Preamble of their own Bill should not pass, but that they should have another year to arrange the details. The Committee he referred to was a most important and excellent Committee, with whom nobody could find any fault; but their first decision was to agree to the request of the county authorities that the Preamble of their own Bill should not be passed. The Bill promoted by the town council of Edinburgh and the other town councils, was gone on with.

—A deal of evidence

was taken on the subject. The Committee adjourned for two or three days, and asked the parties to agree to clauses that would suit them; but as the parties were not able to agree, the Bill was withdrawn. He thought that what he had stated was sufficient to justify him in saying that there was an exceedingly strong general feeling in Scotland in favour of the abolition of tolls and of maintaining the roads by means of a rate. A good many years ago, Lord Derby's Government appointed a Royal Commission, the object of which was to devise a plan for the abolition of tolls, and to levy a rate for the maintenance of the roads, and that fact showed that there was even at that time—15 years ago—a strong feeling in Scotland on the subject. That Commission unanimously reported that tolls ought to be abolished and the roads maintained by rates. He was not going farther into that Report, but he was glad to see the Home Secretary present, as it was to him his appeal was made; for he (Mr. M'Laren) was aware that, although technically the Bill before the House was promoted by the Local Government Board, yet, in consequence of an arrangement between that Board and the Home Office, the latter Department had the charge of Scotch roads. All he wished to urge on the attention of the right hon. Gentleman was, that next Session he should bring in a Bill to place the law of Scotland on the same footing as the law of England—namely, that when the Turnpike Trust Acts expired, the roads should be thrown upon the rates; and that there should be a Committee appointed, as was now the case for England, to report upon such Acts as should be allowed to drop at particular dates. The English law was found to work so well and so economically, that the people of Scotland ought to have a similar law passed with respect to their turnpikes; and he therefore entreated the right hon. Gentleman the Home Secretary to place Scotland in this respect on the same footing as England. He asked, as an act of justice, that when the Committee should be appointed next year to consider the expiring trusts, the reference should not be limited as it was this year to English trusts, but that it should be a general reference including all expiring trusts; or failing that, he hoped the right hon. Gentleman would

bers, and then to other hon. Members who had not heard a word of the debate coming in, and recording their votes. He objected altogether to that morning's sitting, although perhaps he ought not to do so, as that was the first attempt he had seen in that House to separate Irish Business into a distinct department, and to fix a specific day for its discussion. If the sitting had been one at which Irish Members exclusively should attend, he would not object to it. The Irish Bills which had been set down for the sitting were of the utmost importance. This Bill, for instance, involved the question, whether Ireland should be subject to constant coercion. It proposed to continue, for instance, Coercion Acts which would otherwise expire. Those Acts had been renewed every two or three years, some of them since 1848, others since 1839, and they were always brought forward at the end of the Session as a matter of course. Against that system of dealing with Ireland, he, for one, was determined to set his face, and to offer every resistance that the Forms of the House allowed. There was no doubt that the House was sitting for Irish Bills, and without questioning what had been said by Mr. Speaker, he doubted whether the sitting was properly held, and thought, at any rate, that it would have been more within the spirit of the Standing Order that there should have been a distinct Resolution as to the adjournment to that day. If the mere fixing of a Bill for a Saturday was to be held as tantamount to a Resolution to adjourn to that day, great inconvenience might arise from it. They were told that the proper time to raise objections was in Committee. Would the right hon. and learned Gentleman the Attorney General for Ireland give them an assurance that they should have an opportunity of discussing in Committee whether they should continue the Act which enabled any policeman to enter any house in Ireland at any hour of the night? The Bills which would have to be considered were of sufficient importance to be discussed in a full House, and he hoped, therefore, that the hon. Member would press his Motion to a division, for in that case he (Mr. Butt), would certainly vote for it.

THE CHANCELLOR OF THE EXCHEQUER said, the hon. and learned

*Mr. Butt*

Member ought to remember that a great deal of time and attention had been given to the consideration of Irish questions that Session. There had been no indisposition to give Irish Members an opportunity of discussing questions of interest to Ireland, and he could assure hon. Gentlemen on behalf of the Government, that the same feeling which had actuated them throughout the Session still prevailed. What was it they were now asked to do? Here was a Bill which was to continue various expiring laws, and they were told that they had set apart the Saturday sitting for the consideration of Irish Business. There were 13 Orders of the Day, only four or five of which related specifically to Ireland; and amongst these was the Expiring Laws Continuance Bill, which did not relate exclusively to Ireland at all, but which continued a number of Acts, many of which were of Imperial importance. There were Acts in the Schedule with regard to the continuance of the stock-in-trade exemption from rating. Did hon. Members mean to say that they wished to reject the Bill, and thereby reject the annual Bill for the exemption of stock-in-trade from rating? Did they wish to put an end to the Public Schools Bill, to the Episcopal Bill, or to the Corrupt Practices Bill? Let them deal with those Bills singly and in Committee. It was admitted that some 30 out of the 34 Acts were unobjectionable. Did hon. Gentlemen really mean that they were to reject the Bill on the second reading, and put an end to those 30 Acts to which they did not object? The proper course would be not to reject the whole Bill, but to move Amendments to the Schedule in Committee; and he could assure hon. Gentlemen on the part of the Government, that every opportunity would be given of discussing the Bill in Committee. No attempt would be made to smuggle the Bill through the House, or to force Irish Members to discuss it under inconvenient circumstances.

MR. M'CARTHY DOWNING said, if he understood the right hon. Gentleman correctly, it was that by allowing the second reading of the Bill, the right hon. Gentleman, on the part of the Government, would not press any of those measures which they thought ought not to be continued.—[The CHANCELLOR of the EXCHEQUER: No, no.]

At any rate, that time would be given in Committee to discuss any of those measures to which Irish Members were opposed. [The CHANCELLOR of the EXCHEQUER: In the Schedule.] On that understanding, he should recommend his hon. Friend (Mr. Sullivan) not to press his Amendment. He could not, however, agree that proper time had been devoted to the discussion of Irish subjects that Session. The Bill relating to the Irish Constabulary Force was brought in on the 10th July; the second reading was postponed three or four times, and at last it was read a second time at 2 o'clock in the morning, without sufficient time having been given for placing a Notice on the Paper.

Mr. MITCHELL HENRY said, he should advise the hon. Member for Louth (Mr. Sullivan) not to withdraw his Motion for Adjournment, even after the conciliatory words of the Chancellor of the Exchequer. The only way of making the House aware of the strong feeling entertained by the Irish people as to the mode in which legislation on Irish subjects was conducted was, by making their power as a compact body felt, in the obstruction of measures such as the present, by every means that the Forms of the House would allow. To bring them there on a Saturday, in the hopes of having a grand field-day, in which they could get rid of inconvenient Bills, and vote down the Irish Representatives by means of a well trained majority of Ministerial followers, was monstrous and indefensible. Before the Government complained of want of time, let them cease to bring in Bills dealing with Ireland at a late hour of the morning, without any information as to what the Bills were about. Within the last few days the right hon. Gentleman the Chief Secretary for Ireland had brought in a Bill, authorizing the sale of public property to private individuals, without having had any communication with the Representatives of the counties of Mayo and Galway, in which the property was situated, and had pushed on the Bill in spite of their remonstrances, so that it was impossible for them to ascertain the feeling of the people in the neighbourhood on the subject. He did not say that the objects contemplated in the Lough Corrib Canal Bill were not proper and desirable objects. He could give

no opinion on that matter; but he did say that regard for the high character of the hon. Baronet who was to buy the works, and for the good he had done in that part of the country in which he resided, should have prevented the indecent haste with which the Bill was hurried forward; for now its passage, instead of being marked by the goodwill of all concerned, would be stamped by the fact that the Representatives of the counties concerned had voted against it in every stage. The Chancellor of the Exchequer said that much time had been given to Irish Members that Session; but that was a mere accidental circumstance, and did not spring from any particular willingness of the House or the Government to be informed about Irish matters. The peculiar circumstances under which the House met; the recent formation of the Government preventing it from having Bills ready to present to the House; and the thorough disorganization of the Liberal party, had given the Irish Members greater opportunities than they had ever had before. He did not know whether much good had been done in the enlightenment of hon. Members opposite; but he did believe that a vague feeling had been awakened in the House that there was something radically wrong in the state of Irish affairs, and that was in itself a gain. When, however, they spoke of attention being given to Irish affairs, let him remind them that when the Irish Licensing Bill was introduced, at 12 o'clock one night, no statement was made about it, and the promise that a full explanation should be given on the second reading was not kept at all; but, on the contrary, the second reading was taken at 1 o'clock one morning, without discussion, if not by surprise. The same thing occurred about the Judicature Bill, which was a measure of vital importance, and that was the usual or regular system of doing Irish Business. To say that they had had plenty of time was absurd; why, when they had a Motion to make—the Home Rule Motion—of the greatest importance to the country, it was with the utmost difficulty that they got a day fixed for it. When they asked for a second day, they were absolutely scoffed at; and it was only when Government came to understand how he (Mr. Henry) and his Friends would, by Motions of Ad-

journment, bring the Business of the House to a standstill, that they consented to give them a second day for the discussion. They ought to have had more than two days for that important debate. [*Laughter.*] The Chairman of the Committees laughed at the notion; but he had not objected to three days having been subsequently given to the Endowed Schools Bill, which, whatever its importance might be, was not more important than the question of the Parliamentary relations of Great Britain and Ireland. He would, however, read to the House a far more graphic description of the system pursued than any that he could give. A public writer said—

“Anyone who knows the way in which the purely Irish Business which is done is transacted, will scarcely regret that so much of it is left undone at the close of every Session. In the small hours of the morning a number of small Irish Bills are introduced. No statement is made of their objects, or their purpose, and they generally pass through their stages when the grey dawn of the morning is struggling with the Bude lights through the stained glass windows of the Commons’ Hall. The appearance of those Bills is invariably preceded by a flight of a great number of the officials of those Boards which prey upon every Irish interest. These officials, however, like birds of ill-omen, hover round the Lobbies, or perch under the galleries, waiting anxiously for the small hours of the morning, when each of them watches over his little crotchet, or his little job. No vigilance of the most suspicious Irish Members can detect all the artifices which lie hid under all the Protean forms which these little Bills assume. If an Irish Member is content to wait in London to the very last night of the Session, and to wait each morning until the House breaks up, he is still powerless to defeat, or even to impede. The Bill is brought in at an unseemly hour, when no one remains in the House except those of the Ministers who have the strongest constitution, and their devoted adherents whom their whipper-in has influence enough to detain in the library, or smoking-room, to make a House.”

[“Name, name!”] He would gladly give the name of the book from which he had quoted; or, if hon. Members would promise to read it, he would present them with copies of it. The book was *Irish Federation*, and the author was the hon. and learned Member for Limerick. But he wished to base his opposition to that Continuance Bill upon even higher grounds. The present Bill, which contained 34 Acts, was very nearly a copy of the Bill introduced under similar circumstances last year by the late Government. The Irish Members did their best to oppose it, and when it got to the House of Lords, a

*Mr. Mitchell Henry*

noble Lord spoke of the system as follows:—

“The Bill under discussion was merely a means to enable Parliament and Ministers to cheat themselves, by smuggling Acts through quietly, against which there was very considerable objection. Thus Acts, which were merely allowed to pass on condition that they were only to be in operation for a year, were continued and re-continued without discussion until they became part of the permanent statutes of the land.”—[3 *Hansard*, cxxvii. 1427.]

Perhaps, the Government would be interested in knowing that it was the noble Lord the Marquess of Salisbury, a Member of the present Cabinet, who spoke those words; and that Lord Carnarvon, another Member of the present Cabinet, said—

“That he complained of the practice which had grown up of passing this Bill hurriedly through Parliament at the very close of the Session, when there was no opportunity of giving it adequate consideration. Many of the Acts named in it were of the very gravest importance. Many of the Acts, when first introduced, were designed to be merely temporary, but they actually became permanent by being annually renewed through the medium of this Bill.”—[*Ibid.*, 1426-7.]

Well, one of these, which it was proposed now to continue, was enacted so far back as 1859, and the Irish Coercion Bills had got a year to run, so that there was no necessity to renew them now.

Mr. SPEAKER said, he must remind the hon. Member that he must not discuss the merits of the Bill, but must confine himself to the Motion for Adjournment.

Mr. MITCHELL HENRY said, he would bow at once to any intervention from the Chair, for he had no wish to be irregular, and would only observe, he thought it an excellent reason for adjournment to give Her Majesty’s Government time to look into the matter, and see if his statement was not correct. If matters had been let alone, the Coercion Acts would have expired at the end of next Session of Parliament; but by including them in the present Continuance Bill, they would be kept alive for two years longer. Let the Government postpone the consideration of the Acts which did not expire that year; and then the Irish party, which had shown itself to be the true constitutional party, in favour of the maintainment of the proper Constitution of their own country, would give no opposition to the removal of Acts which did expire, although they thoroughly disapproved of

em of slipshod legislation, which usually undermining the liberties of the people.

LACARTNEY said, he must re-charge, that hon. Members Ministerial side of the House the habit of rushing up from the room and giving the Government senseless support, without having entered the debate upon the matter under discussion. For his own part he never went into any portion of the matter where hon. Members were expected to obtain refreshment for their body, that he did not find it necessary by a very much larger number of the Followers of the hon. Member for Limerick than of the other party in the House.

GEORGE BOWYER said, he did not have opposed an ordinary Continuance Bill, but he objected strongly to dealing in such a measure with matters, such as the Irish Coercion Bill, which had always been resisted by the Members. He regarded the Bill, for that reason, as irregular and unconstitutional.

motion put.

House divided:—Ayes 35; Noes 79.

# RING LAWS CONTINUANCE

BILL.—[BILL 201.]

by *Henry Smith, Mr. Attorney General.*

## SECOND READING.

for Second Reading read.

made, and Question proposed, that the Bill be now read a second time. (*Mr. William Henry Smith.*)

MR. NOLAN, in moving that the Bill be read a second time that day three said, he regretted that the hon. Member who held the post of Financial Secretary of the Treasury had not informed them what was the object of the Bill, as was the case last night, when before them a Bill for the construction of a tramway a mile and a-half long, they would have an elaborate statement, and they would have spent more time than they gave to the consideration of an Irish Bill needing the most important consideration.

as a most important measure, might term an Omnibus Bill, comes it did with various others, affecting the constitutional rights of the Irish people, and yet the Secretary

of the Treasury had not thought it worth an introductory speech of ten minutes' duration. To compare it with the legislation of the Session, so far as it had advanced, he should say that it was of ten times more importance than the whole of it. It was only right that they should know what was intended by this Bill. Of the whole list of the 34 Bills, there were only two of them which expired in the course of the present year. The others would not expire until August, 1875, a fact, he contended, of itself sufficient to show that those who had voted in favour of the adjournment of the House were not animated by a desire to give to it a factious opposition. There would, therefore, not be any difficulty in removing those two Bills from the category, and dealing with them separately, so as to allow the consideration of the other measures to stand over until next Session. The present system of continuing expiring laws was, so far as he could see, quite a new practice. The abuse seemed to have sprung up in 1863, when for the first time, a batch of expiring Acts was included in one Bill, and in following years the number so dealt with was increased. In the course of time, the Committee which used to consider the expediency of renewing the Acts was discontinued. What he would suggest was, that in future the Acts which were not likely to give rise to any debate should be included in one Bill, and the others brought before the House in a different Bill or dealt with separately. He objected to the principle of voting in a lump the continuance of 34 Acts of Parliament, which, when they were passed, were intended to be only temporary, and which were, by a Bill like this, rendered permanent. Gradually the number of these Bills increased yearly up to the year 1870, when they amounted to over 30. Since then these expiring Bills had oscillated each year from 33 in number to 35. Many of the Bills in the present measure were of no great importance, no doubt; but there were certain of them of sufficient moment to need a much larger amount of consideration than the Government seemed to attach to them, when they classed them in an Order of the Day which was looked upon as a matter of course. When a Bill was passed for a limited time, there was *prima facie* reason for supposing that it might need revision. It had been expected for example, in passing the

Election Petitions and Corrupt Practices Act—one of those included in the present Bill—that the experience of a General Election would afford reasons for altering it, and in point of fact, it was the opinion of many people at present that it stood in need of a certain amount of revision. With regard to the Master and Servant Act, he thought it most important that the House should have an opportunity of considering the propriety of repealing the 14th clause, under which a workman was liable to be sent to prison for breaking a civil contract. He desired to move in Committee that the clause in question should be struck out, but he was doubtful whether that course would be in accordance with the Rules. Those who voted against his Amendment would vote to perpetuate it to August, 1876, and that, in his opinion, would inflict great hardships on the Irish working classes, especially those coming to this country. Turning to the specifically Irish part of his subject, he would refer especially to the Unlawful Societies Act. The Freemasons and certain friendly societies were specially exempt from the operation of that Act; but it discouraged the formation in Ireland of trades unions, and that fact had a great influence on the question of wages. Then, again, he objected to the Bill continuing the Peace Preservation Act in Ireland, although it was then totally unnecessary. That Act prevented the use of firearms. With respect to arms, he thought if a man were disposed to commit the horrible crime of murder, either in England or Ireland, that he would be much more likely to use an ordinary pistol or a revolver than a rifle. He denied that they could show that any extraordinary state of things now existed in Ireland to warrant the Government to forbid men in Ireland from having arms. Men accustomed to carry arms were invariably careful not to abuse them; it had been objected to that statement that there was such a thing as “free-shooting”—[*Laughter*]—in the United States, but he had heard from many Americans that that meant only firing in the air. [*Laughter.*] Hon. Members might laugh; but what he stated was correct, and he saw no reason why, in the present peaceable state of Ireland, the people of Ireland should not be trusted like the people of that country with firearms. He had put an Amendment on the Paper which

he intended to propose in Committee, to “allow any man who paid £12 a-year in rates, and who had the right to vote, to have arms.” He had been in communication with farmers in Ireland who were not allowed, under the provisions of the Peace Preservation Act, to have arms, and who, in answer to questions put to them by him said—“We suffer much damage to our crops by birds, which, if we were allowed to have, and use, a gun, would not trouble us much, and of which only a few might come after we fired even to frighten them; but which, in the absence of such means to frighten them, come in large flocks and inflict considerable damage.” Now, that was the case of the farmers; and if the Government would only grant “fowling pieces” in Ireland they would make things much more comfortable. That House, he believed, had been asked to keep arms out of the hands of the people of Ireland on the plea of danger of insurrection. The people of England and Scotland having been entrusted with firearms almost since these were invented, he could not see any reason why the people of Ireland should not be allowed possession of arms; but the reason which practically actuated some persons in Ireland to endeavour to keep arms from their poorer neighbours was the fear that they would be after the “game.” He remembered one gentleman saying, in answer to a question put to him, why the people were not allowed to have arms? “Why, do you want them to destroy all the game?” Now, he (Captain Nolan) would tell the Government and the House, that if that was to be advanced as a cause of withholding arms from the people of Ireland the effect would be that the Irish would join the English and Scotch in demanding the abolition of the Game Laws. Any man who voted for the Bill would vote for the continuance of the 14th clause of the Masters and Servants Act, which would impose most unconstitutional disabilities on the Irish people. The hon. and gallant Member concluded by moving the rejection of the Bill.

Amendment proposed, to leave out the word “now,” and at the end of the Question to add the words “upon this day three months.”—(*Captain Nolan.*)

Question proposed, “That the word ‘now’ stand part of the Question.”

*Captain Nolan*



THE CHANCELLOR OF THE EXCHEQUER said, he thought the discussion which had been raised by the hon. and gallant Gentleman was divisible into two parts—the first, that the Bill be read a second time that day three months, a Motion which involved the question, whether they were to continue all the Acts which were now about to expire. That was a question which, he was bound to say, the hon. and gallant Gentleman had argued with great ability. The second part of the hon. and gallant Gentleman's argument was his objection to the "Continuance" part of this Bill; and the hon. and gallant Gentleman, he was bound to say, had argued very logically on that question. He had raised questions which it was not necessary for him (the Chancellor of the Exchequer) to enter into now; but it was obvious that there might be other Bills in the Schedule which other hon. Members might wish to discuss, and he must remind the House that to all the objections, one general answer would have to be given. That course was formerly pursued when discussions on very diverse topics were raised on the Motion that the House adjourn from Friday to Monday, the Minister replying late in the evening to all these matters together. But if they were to consider such very different measures as were comprised in the Bill upon the second reading, when hon. Members were limited to one speech each, great inconvenience must be felt, and such an inconvenience might result on questions of the kind now before the House. He, however, quite agreed with the hon. and gallant Member that care ought to be taken that measures should not be introduced unnecessarily by a Bill of the kind, which must lead to a discussion of various subjects. On the other hand, there was no doubt that it was a very convenient practice—one which saved the time of Parliament—to include in a single Bill, instead of in separate Bills, several Acts which it was desirable to continue, and which had been passed as temporary Acts. For example, the Bill now before the House, which the hon. and gallant Member had called an Omnibus Bill, embraced several subjects for legislation. It was possible, however, they might find that that system was carried rather too far, and that point he undertook to say should receive careful consideration.

Having said so much, he would ask the attention of hon. Members in the House to the actual position of affairs. In the first place, he hoped there would be no reasonable objection on the part of hon. Members, and of Irish Members in particular, to his assurance, that the Government would give them some time to argue the questions involved in this measure, and that there was no desire on the part of the Government to push those measures on unduly against the will of Irish Members; but it must be remembered that there were also English measures which were of importance. There were several Bills which deserved full consideration, and what he had really to suggest to hon. Members was, that they should adopt the suggestion he had made, and allow the Bill to be now read a second time. An hon. Member said just now—"If we allow you to pass this Bill, you will allow it to be in force for another year." But there were many things that might happen—they might have a very short Session, and a Dissolution or something of that kind might happen, which would cause a change, in which case, these Acts whose continuance was so desirable, would expire. Therefore, he thought it would be a decided inconvenience absolutely to throw out this Bill. He believed he was entitled to say that there would be no difficulty whatever in passing the whole of the Bill, with the exception of one particular clause which had been alluded to, and he would suggest that hon. Members in Committee might very properly move Amendments for the purpose of striking out certain portions of the Acts to which they objected. He could really appeal to the House, and especially to hon. Members opposite, whether under the circumstances, it was not desirable to allow the Bill to be now read a second time; and he promised if the House assented to his proposition, that the Government would give them a day, it might be in the next week; but his right hon. Friend the Prime Minister, who was now absent, would be able to say what day could be given for the purpose. He might, in conclusion, say that the matter would be taken into consideration by the Government; and that if they wished to challenge, which they had a right to do upon any important question, he undertook to say, on the part of the Govern-

ment, that an opportunity would be given to them to do so.

Mr. BUTT said, he must confess after the conciliatory speech made by the right hon. Baronet, that he felt exceedingly anxious to comply with the proposal. But just consider what the objects of that Continuance Bill and of Coercion and other Acts were, and that Irish Members had a high duty to discharge in opposing them, believing that they were not now necessary. He felt great difficulty in the matter in reference to these Continuance Bills. He might state to the House that it had taken him several hours to traverse through the Acts passed, and amongst them he found an Act for restraining the Orangemen of Ireland, and also Acts dealing with friendly and other societies in that country. That Act was renewed in 1844, again in 1845 for two years, and again in 1848, with coercive Amendments—one, enabling the police to go into a house in search of the signs and passwords of secret societies, and another, making the finding of such documents conclusive evidence of the guilt of the man in whose possession they were found. He would tell the House another matter of importance. When the Friendly Societies Act was passed for Ireland, there was a clause in it placing the Foresters, the Odd Fellows, and similar associations on the same footing as the Freemasons, and allowing them the use of signs and passwords without the risk of incurring a penalty; but when that Coercion Act came to be renewed, the Friendly Societies Act was entirely forgotten, and it was renewed in its old form; so that the use of secret signs and passwords by those societies, again became a penal offence, and their members were liable to be transported or kept in penal servitude, for a period of seven years. Again, the case of the Peace Preservation Act was much stronger, but he did not wish to weary the House by going into detail upon the subject. He, therefore, hoped the right hon. Gentleman would give the House a pledge that the Acts in reference to Ireland included in the Bill would be postponed until next Session, and that they would be then introduced separately, so that an opportunity might be then given of considering them on their merits. The right hon. Baronet the Chancellor of the Exchequer said,

*The Chancellor of the Exchequer*

they could not do that, inasmuch as if they did, a Dissolution might take place early next Session, before anything could be done in the matter, and then these laws would expire. Well, as regarded the probability of a Dissolution next Session, he (Mr. Butt) did not see much probability of that; but the right hon. Baronet, as he knew the inner counsels of the Government, was a better authority on that point than he (Mr. Butt) was. The difficulty, however, might be got over by providing now that these Acts should expire at a fixed date—the 1st of August or the 1st of September, 1875. That would guard against the possibility of such an accident as that which the right hon. Baronet dreaded. If that course were pursued, he should withdraw his opposition to the present measure; but if not, he must renew his protests against the system of passing Continuance Bills which would impose coercive laws on Ireland for a period of two years. To so treat them was to make perpetual Acts which Parliament intended should be only temporary, a course which had been censured by Lord Brougham, the Marquess of Salisbury, and the Earl of Carnarvon.

THE ATTORNEY GENERAL FOR IRELAND (Dr. BALL) said, the usual mode of dealing with such Bills as those to which the hon. and learned Gentleman's remarks applied, was to provide that they should continue for a certain time, and from thence until the end of the then next Session of Parliament. That was done in order to avoid the danger of a sudden and premature Dissolution of Parliament. But the meaning and practical result was a renewal for one year. There never was, he might add, a Government who were better entitled to ask the House to assent to a Continuance Bill than the present, seeing how recently and how unexpectedly they had acceded to office. In consequence of that shortness of time, they had not been able to consider these Acts, in order to see how many of them they might abandon, and how many they should renew in distinct Bills. He might also observe on the general question, that the coercive measures for Ireland which had been passed in 1870 and 1871 were far more stringent than those it was now proposed to renew, and which had been

maintained by every Parliament since 1839. There was no doubt a great improvement in the condition of Ireland at the present moment as regarded crime—an improvement which had coincided with the accession of the present Government to power, and which had gone on since increasing. [*Laughter.*] He ought to be able to speak with authority on the subject; for every crime that occurred was brought under his notice as Attorney General, and he repeated that there was a progressive improvement. A recent murder and attempt at murder, however, arising out of disputes connected with land, showed that it would be impossible to abandon the protection given by particular statutes against such offences, and that it would be unwise to act precipitately; but the House might rest assured that the powers which they conferred would not be resorted to, except in cases of necessity. It was inevitable that the entire subject must ere long be brought under discussion, and he asked the hon. and learned Gentleman, whether it was worth while being at so much trouble to attack the more limited powers, while the more stringent must necessarily be continued.

MR. SYNAN said, he wished to echo all that had been said by the right hon. and learned Gentleman the Attorney General for Ireland with respect to the absence of crime in Ireland. The right hon. and learned Gentleman, however, either did not understand or did not answer the proposal of the hon. and learned Gentleman the Member for Limerick, which was to postpone the further consideration of these expiring laws until next Session, by fixing a day on which they would expire; and then that a positive measure should be brought in for the renewal of such of them as might be considered necessary, so that Acts of such importance might not be smuggled through in a renewal Bill, where the great were mixed up with the small. Since the Government came into office, what measures had they taken to produce peace, order, and tranquillity in Ireland to justify the credit claimed for them by the right hon. and learned Gentleman? Yet the right hon. and learned Gentleman had admitted that the condition of Ireland now furnished a model of order; and the language of the Judges who were at

present on circuit in that country supported that view. At one place, the Judge said that in a single county in England, there was more crime than in the whole of Ireland; and in two other places, there was not a single bill to be sent before the petty jury. The fact was, that there never was a time when the tranquillity of Ireland was so marked as it was at the present moment; though he could not accord to the Attorney General for Ireland, that that arose from the existence of the statutes which it was now sought to continue, or from the advent to office of the present Government. His was a kind of *post hoc, propter hoc* logic, which could not be admitted. Notwithstanding the tranquillity which prevailed, the fact was that 31 out of the 32 counties in Ireland were now proclaimed under the Peace Preservation Act; so that the persons who dwelt in those counties were not permitted to live under the law which was the privilege of the rest of Her Majesty's subjects. What reason was there for asking power to continue these proclamations for two years longer? The right hon. and learned Gentleman had no doubt said that there had been an attempt to murder in Queen's County, and an actual murder in Tipperary; but surely that was no sufficient reason for asking power to continue these proclamations in 31 counties for two years longer? He hoped that the Government would reconsider the matter and accept the proposal of the hon. and learned Member for Limerick, and not continue the Acts for more than one year.

MR. M'CARTHY DOWNING said, that they were not only asked to continue the Peace Preservation Act of 1873, but also the Act of 1847. The last-mentioned Act recited that "whereas in consequence of the prevalence of crime and outrage, it is necessary to make provision for the prevention thereof." At all events, there was no reason why the Act of 1847 should be continued, for he held that all the special powers which it was desired by a renewal of the Act in question to retain were given by the Peace Preservation Act of 1870, and that, therefore, the renewal would serve no practical purpose. To continue both Acts would be unduly to crowd the statute book with penal legislation. At the same time, he maintained that the

reasons for that legislation had entirely disappeared. In proof of the extraordinary diminution of crime in Ireland, he could quote the language of Baron Dowse, Mr. Justice Fitzgerald, and other Judges, addressed to grand juries on recent occasions. The hardships resulting from the provisions with regard to carrying arms were, in his opinion, peculiarly grievous. A gentleman going out to shoot who sent his gun by his servant a short distance before him, had the satisfaction to find that it was seized by the police. An old man of 70, whose crops were being destroyed by birds, applied for a licence to keep a gun, and met with a refusal, although two magistrates certified as to his good character. His (Mr. Downing's) own experience had not been very favourable. He had been out shooting one day with his son, whose gun had burst. He proposed to send the barrels to Cork to have them repaired, but was told that the police would not allow him to do so. He sent for the constable, and was informed that he could not forward the barrels as he proposed, but the inspector stated that he was about shortly to send an escort to Cork, and would forward the barrels with them. The consequence was that he—a justice of the peace and deputy-lieutenant of his county—had to wait till a brother magistrate came to his house who took the barrels with him to Cork. That showed what Irish gentlemen had to endure in consequence of this legislation, and that great hardships arose to individuals under these Acts; and he asked why should the Government insist upon the continuance of the statutes for two years, when they might avoid any contention by consenting that the continuance should be only until the 1st September 1875?

MR. SERJEANT SHERLOCK thought the opinions of Lord Salisbury and Lord Carnarvon, which had been quoted, were sufficient to prove that the opposition on the present occasion was not at all factious. The right hon. and learned Gentleman the Attorney General for Ireland had borne testimony to the peaceful state of Ireland. The jury had allowed £1,200 as damages in the case of the attempt to shoot Mr. Whitworth, and, in the event of his death, his widow would get that sum. The other case to which the right hon. and learned Gentleman had referred, and in which

an attempt was made to shoot a woman, was purely a family quarrel. It was like a family quarrel that might have occurred in Finsbury or any other part of London. If he could see any necessity for that kind of legislation, he should not object to it; but he must say, that he certainly saw no necessity whatever for continuing those penal statutes for two years longer. Not merely the peasant class, but every class of society in Ireland had suffered under the present coercive system; and under these circumstances, he (Mr. Serjeant Sherlock) appealed to the Treasury Bench to agree to the proposition of the hon. and learned Member for Limerick.

SIR PATRICK O'BRIEN said, he traced the real difficulties under which Ireland laboured, and the real difficulties incident to legislation for Ireland, to the existence of personal government, the unfavourable influence of which was often recognized in that House in the discussion of questions relating to foreign affairs. For instance, the inhabitants of the county which he represented had been put under strict proclamation, not for any breach of law, but because their county happened to be coterminous with another county in which certain outrages had occurred. Was it not natural that the people in the county he represented should say—"What is the good of observing the law when we are treated in this way?" The reason why the Government had taken their present course with regard to these Acts was merely to save themselves from the little trouble of bringing forward a Bill next Session on the subject. In his opinion the Government should meet the real facts of the case, and he called upon them to give to the proposition of the hon. and learned Member for Limerick the attention which it demanded, and which, in his opinion, it would be the highest policy to give to it. If next year it could be shown that Ireland could only be ruled by repressive measures, the subject ought then to be fully considered.

MR. MITCHELL HENRY said, he was sure the House was very tired of the debate, and heartily wished that they would go into Committee at once upon the Bill. But how could they be expected to do so, when they could only discuss the clauses, and could not deal with the merits of the Bill? In what way, he asked, could they bring the

*Mr. M. Carthy Downing*

matter fairly before the House, except by making themselves thus disagreeable? He could not help pointing out the paucity of attendance on the Treasury bench and the entire absence of the Members of the late Government, and he asked, whether that would have been the case if a coercion measure was required for England and Scotland? He hoped hon. Members would continue the discussion of the matter, not only now, but in every Session, when a renewal of these Acts was asked for. He confessed when he considered what took place last Session, and what they were asked to agree to now, he was almost boiling over with indignation at the contempt which was shown for the liberties of the people. Everyone must have come to the conclusion that the renewal of these Bills had been taken simply as a matter of course. It was not for him to read a constitutional lesson to the House; but if they considered how it was that these renewal Bills were brought in, they would see what loss resulted to the liberty of the people. His firm belief was that these questions had never been considered by the Cabinet or by the Government at all. The Bill was prepared across the Lobby by the permanent officials of the House as a matter of course. It was introduced a few days ago; and because it was thought to be a good thing that the discussion should be got through, and that these troublesome Irish Members should be got rid of, the House had been called upon to sit on Saturday. They were asked at that time to pass Acts which would put a third of Great Britain under laws of coercion which did not exist in any other country in Europe. He hoped that the Expiring Acts Continuance Committee would be re-appointed another Session, and would decide when Acts should be continued, instead of leaving it to the permanent officials, who had no constitutional responsibility. The hon. and learned Member for Limerick said there was no reason why these Acts should be renewed that year, as they did not expire till the end of next Session; and he asked why the subject should not be allowed to stand over until next Session, when a full discussion might be taken upon it. The right hon. and learned Gentleman the Attorney General for Ireland had admitted that the state of the country had very much im-

proved, and seemed to think the time would soon arrive when those Acts might be dispensed with. It would be impossible, however, to say when they might be dispensed with, if the whole country was to be kept under coercion, until not a single murder was committed in any part of it. They could hear of more harrowing crimes in England in a week than took place in Ireland in seven years. He admitted that agrarian outrages were horrible in their character, and if they existed, every hon. Member would support the Government in their efforts to suppress them; but for years the country had been nearly free from them. The English mind, however, believed that Ireland was bubbling over with these outrages; but the charges of the various Judges of Assize had plainly showed that that was not the case. It was, therefore, a great hardship that Ireland should be kept under coercion when crime had disappeared. He considered it would be very wise if the right hon. Baronet the Chief Secretary would take the trouble to mix a little among the landed gentry of Ireland, amongst commercial men and agriculturists, and hear what was the general feeling, rather than accept everything as a fact which he heard from the officials at the Castle, and in the office in Queen Street. They found that that was where the real Government of Ireland proceeded from. There were a number of permanent officials who were appointed by a former re-actionary Government, whose whole sympathies were out of accord with the Irish people, and the system would never be satisfactory, while the affairs of the country were conducted under police government. Everyone in the police looked to promotion in proportion to the amount of crime reported, and so it was that they heard of threatening letters being sent, not one-half of which statements, in his belief, were correct. Again, a number of local stipendiary magistrates had been appointed, of police extraction, who, contrary to the spirit of the English law, presumed that every one brought before them was guilty before they were tried. They would find stipendiary magistrates, who were paid to administer the law, were in perpetual correspondence with the Castle at Dublin. They did not deal with prisoners according to the law, but dealt with them in a manner which they

thought would be pleasing to the Castle; and if the magistrates had any doubts as to how the Castle would like them to be dealt with, they wrote to the Castle. It was proposed to give those gentlemen the power of determining whether the inhabitants of a district should have the power to carry arms. He thought these Acts ought not to be renewed annually as matters of course. The Acts would not expire until the end of next Session, and he thought that the proposition of the hon. and learned Member for Limerick (Mr. Butt) might very well be accepted—that the Acts should not expire until next October. If that suggestion was adopted, it would show the people of Ireland that, at any rate, their grievances were to be considered. It would afford the Irish people a proof that the liberty of the subject, whether in England, in Ireland, or in Scotland, was still dear to the hearts of the Legislature, and he therefore thought the Act ought only to be renewed for one year.

MR. M'LAREN said, he rose for the purpose of urging that hon. Gentlemen who represented Ireland should not press for another division. He voted with the minority in the last division, to show his sympathy with the case they had raised, and with the arguments they had adduced in support of the case. But, believing that if they pressed for another division, they would be in a still smaller minority, and would in no way serve their case, he could not for himself, by voting with them again, do anything which might be viewed as an attempt at obstructing the remaining business of the Session. As an impartial witness of the debate which had just taken place, he thought all the force of the arguments adduced had been on the side of the Irish Members, and if any hon. Gentleman should propose in Committee that the Acts in question should be deleted from the Bill, he should most cordially vote for the Motion. He did not, however, think it would be well to go to any more divisions, which would have only the effect of obstructing the business that had to be completed.

MR. J. MARTIN said, he must express his astonishment that the Government did not offer an apology to the House, and to the world, for the unconstitutional course which they were taking in proposing to inflict coercive legisla-

tion for a longer time on his country. He should not oppose the second reading of the Bill, because it was the duty of the Government when they proposed unconstitutional measures of this kind to give good reasons for their course. They had not done so. On the contrary, it seemed to him that they were endeavouring to smuggle that legislation through the House by endeavouring to sandwich three Coercion Bills between 30 other measures; and he begged to ask the Chancellor of the Exchequer, why he was obstructing the business of the nation by taking a course so exceptional, on what he had been informed was regarded as a *dies non* in Parliamentary proceedings? He supposed for that reason, it was the better day for the business they were transacting, and with reference to which he hoped the Prime Minister, whom he now saw in his place, would deem it to be his duty to apologize for making a proposal which he must know was entirely opposed to the sentiments of the Irish people and their Representatives.

MR. BRYAN also appealed to the right hon. Gentleman to assent to the suggestion of the hon. and learned Member for Limerick. Its adoption would allow ample time for consideration. He felt sure that if the Prime Minister had been present before, as he was now, he would have acceded to that very reasonable proposal.

MR. DISRAELI said, he could assure hon. Members for Ireland that his absence from the debate up to that time was not due to any want of respect for them. They must be aware that he had a great deal to do besides sitting in that House. Although he had not been present, he had endeavoured to make himself acquainted with the general tone and gist of the debate, and he was not entirely ignorant of what had been said on either side. Now, he wished particularly at that period of the Session, to say that he always liked hon. Members to part, if possible, in tolerably good humour with one another, and he would be happy to make a suggestion which he thought would meet the case. He remembered very well the remarks of his Colleagues (Lord Salisbury and Lord Carnarvon) in the House of Lords, and he could not say that he disagreed with them. He was perfectly ready to say that those two Acts should no longer be

contained in a Continuance Bill ; and that if any continuance were wanted, which he should regret, they should be brought in separately at an early period of the Session, when there would be an opportunity of discussing their merits. He hoped that that offer would be accepted, and that hon. Gentlemen opposite would now allow the proposal of the Government to pass.

Mr. BUTT said, the proper time to bring in the Bills in question would be next Session, and he had met the objection that a Dissolution of Parliament might occur, by assenting to their continuance till October next year. He must still protest against the Bills being renewed for two years without discussion.

Mr. BIGGAR joined in the request of other Irish Members, that the Government would not persist in including these Acts in the present Bill. With regard to the county he represented (Cavan), the evidence of Dr. Conaty, Roman Catholic Bishop of Kilmore, in which diocese the greater part of Cavan was situated, went to show that the Chief Secretary for Ireland had been mistaken in supposing that the most rev. Prelate had asserted that secret societies existed in that county, or that its condition afforded any justification for its being proclaimed.

SIR GEORGE BOWYER said, the proposal of the Prime Minister showed that wisdom and conciliation for which he was remarkable ; and, so far as it went, it was received by Irish Members with a very good spirit. He thought, however, that the right hon. Gentleman might, without at all interfering with the interests of the country, further agree to the proposal of the hon. and learned Member for Limerick, and then everybody would be satisfied, and there would be no further opposition to the Bill. He suggested that the renewal of these Bills should not be for two years, but for one year up to a fixed time, so as to obviate any chance of their dropping through in the event of a Dissolution of Parliament.

DR. BRADY said, that in place of making the people of Ireland contented with the Government, these Acts had made them discontented, feeling, as they did, that they were placed in an inferior position to the people of this country.

SIR HENRY JAMES said, there was nothing practical in dispute between the Government and Irish Members. The hon. and learned Member for Limerick was willing to insert words that these Acts should not expire till September, 1875. The actual words in the Bill were, till the end of the Session following July 1st, 1875 ; but those words were inserted merely to meet the contingency of a Dissolution. He would suggest that the Prime Minister should accept the proposal to renew the Acts till September, 1875, and then, if necessary, a Bill could be brought in for their continuance. By doing so, the Government would lose nothing, and would gain all they wished.

Mr. FAY contended that no necessity now existed for the continuance of these Acts. They had been grossly abused in their application, for with regard to the county he represented, and to which they had been applied (Cavan), the Judges of Assize had, year after year, described it as one of the most peaceful in Ireland, and the Chief Secretary must have been grossly misinformed when he insinuated that there was a necessity for their continuance.

MR. O'CLERY said : Sir, in rising to move the Adjournment of the Debate, I am impelled by an irresistible sense of duty to my country. To me, the spectacle this Assembly to-day presents is one, indeed, of deep humiliation. You are the guardians of popular rights under the Constitution, and yet, at the mere caprice of the Government, you tamely surrender your great privilege, and allow the civil rights of millions of my fellow-countrymen to be crushed without even a murmur of dissent. It cannot be disguised that the issue before this House to-day is none other than the virtual suspension of the liberties of the Irish people. It is impossible to conceal one's sense of surprise and indignation that a matter of such vital importance to the Irish nation should be so stealthily approached, and as stealthily hurried through, at an extraordinary and almost secret sitting of this Assembly. So grave an issue for our people should involve whole days of debate. Having heard the speeches from the Treasury benches—every sentence of which was directed against the Irish Representatives in tones of ill-concealed menace—I fail to perceive, from the arguments used, any

pretence of justification for the re-enactment of these measures of coercion. The whole history of the relations of England towards Ireland is a history of coercion. Successive Governments, whether Whig or Tory, are alike at least in this respect. It must not be forgotten that under the paternal sway of the late "truly Liberal" Government, Ireland received the boon of the greatest number of stringent and tyrannical Coercion Acts ever passed since the Union. I say this in the face of the advice just tendered to the Prime Minister by the Attorney General of England under the late Government, who, in the cold shade of opposition, manifests some semblance of friendliness. Were, however, the Whig-Liberals now in power, he would find, as many a Liberal Attorney General found before, sufficient reasons for the enactment of measures of quite as hateful and galling a character. Both parties in this House seem equally ready when in office to pass coercion laws for Ireland, which when out of office they are as equally ready to deplore. But the Prime Minister in his efforts to gloss over the exceptional rigour of this Draconian code, evidently set a true value on the advice thus tendered, and paid more attention to the determined resistance on the part of the Irish Representatives here present. I would remind the First Minister of the Crown that it is as necessary for him to acquire a knowledge of measures for Ireland as it was recently when he felt compelled to abandon in the face of a hostile minority, a measure not of coercion, but of education for England, through inability, on his own admission, to master its details. Were such oppressive laws in other countries, the Prime Minister would loudly declaim against their injustice, and he would be sustained by hon. Members around me. The Press, too, would indulge in long homilies against tyranny and despotism, while not failing to point with pride to the happy security of those who lived under the British Constitution about which we hear so much. It is, indeed, time to tear off the mask from such organized hypocrisy in dealing with Ireland. You should no longer, under the pretence of the existence of crime where no crime exists, seek thus to destroy the fair fame of Ireland before the nations in order to force upon her the fetters of this Peace Preservation Act. Either

you must unblushingly state before Europe that, after seven centuries of British rule, you are prepared, as heretofore, to disregard the most sacred constitutional rights, and hold Ireland by the sheer force of bayonets; or, as a logical sequence, you must abandon those measures, so utterly unwarrantable. Surely, it is not by this system of insult and outrage on the character of the Irish nation you can ever hope to win to your side the sympathies of a brave and high-spirited people. I cannot support the advances from some of the Irish Representatives to accept the operation of these Acts for a year as a compromise. I refuse even for an hour to admit the right of coercion for my country. In the resolve to give those measures of coercion my most strenuous and persistent opposition, and to wring from the Government some expression of regret to Parliament and to Ireland for this insidious attack on the rights and liberties of my fellow-countrymen, I move the Adjournment of the Debate.

MR. BIGGAR seconded the Motion for Adjournment.

Motion made, and Question proposed.  
"That the Debate be now adjourned."  
(*Mr. O'Clery.*)

MR. BUTT, in supporting the Motion, said he was disappointed at the reply of the right hon. Gentleman at the head of the Government. He had promised that these Acts should not be renewed again in a Continuance Bill; but though he fully accepted that pledge, it was not absolutely certain that two years hence the right hon. Gentleman would be Prime Minister. Not one single reason had been given for continuing this Bill beyond the end of next Session, when it expired. He was perfectly willing to let the Bill be renewed for a term certain, if it was understood that it could not be continued one hour beyond that time, unless upon full discussion.

MR. RONAYNE protested against the continuance of the Acts, for however limited a period it might be. It was not correct to say that the Acts were not carried out. He knew many cases in which the operation of their provisions had caused great annoyance. Referring to the subject of arms, he said that after a gentleman of his acquaintance had been refused a licence to keep a gun, the applicant's father-in-law, who was

*Mr. O'Clery*



was Crown Prosecutor in Cork, mentioned their relationship to the magistrate, whereupon the latter said, "Why didn't you tell me that before! I refused the licence on account of the hat he wore."

MR. ANDERSON said, that the Prime Minister had offered to drop the Coercion Acts out of the next expiring Bill; but if he would consent to go a step further, and strike them out of the Schedule of the present Bill, these Acts would expire at the end of next Session, and there could not be a doubt, even in the event of a Dissolution, but that there would be abundant time between the beginning and end of the Session to pass a special Act dealing with particular cases that might arise.

MR. MACARTNEY said, that after listening to the debate, he was unable to conceive what any well-disposed man in Ireland had to complain of. The only persons in Ireland who had any reason to be afraid of the law were those who were anxious to break it. There was in existence a law in Belfast, under which he, for walking into Belfast and saying he was a Protestant, might be fined forty shillings and costs, and an hon. Gentleman opposite, for saying anything about the Pope or King William, might be mulcted in a similar fine. That was a local law passed for the purpose of preventing party riots, and he was not aware that any respectable inhabitant of Belfast had ever complained of the existence of that law, because experience had shown it to be a useful and salutary one. It was necessary sometimes to submit to harsh laws for the general good. If the condition of the country was such as to render the Bill unnecessary, it ought not to be carried; but the Government should be allowed to have the opportunity of ascertaining whether or not it was necessary.

MR. REDMOND said, he could not understand the reluctance of the Government to make the slight concession asked of them, especially when Irish Members were asked to make greater concessions. The Government had all the Recess to consider whether they should renew that Act again; but now the House was asked to renew the Bill for twelve months after next September. At a recent discussion he remembered they had been told that the continuance of these Bills was a mere matter of form, that it would be only

for two years; but that sort of thing seemed likely to continue. He had been asked in Wexford what these Acts were continued for, as the people there were at a loss to understand why they remained in force. To retain such powers caused great discontent in Ireland, and their renewal was no bulwark to the order and peace of Ireland; on the contrary, it was a most dangerous policy. ["Order, order!"]

MR. SPEAKER said, the hon. Gentleman was perfectly in order in the remarks he was making.

MR. REDMOND continued: No case had been made out by the Government for granting them such powers as they asked, and they had the evidence of the Judges of the land that there was no need of coercive measures. If these Acts were continued in the absence of any reason for them, the people of Ireland would say they were governed by men who did not know the state of that country. The Government had better put a little more confidence in the people, and not so much in the Lord Lieutenant and magistrates.

MR. COLLINS hoped the Motion for Adjournment would not be pressed, and that the Government would reconsider their decision.

SIR GEORGE BOWYER contended that, as these Acts would not expire till the end of next Session, there was no necessity for passing that Session a Bill for their continuance. He thought the Government ought to accept the proposal of the hon. and learned Member for Limerick.

MR. CHARLES LEWIS, while regretting the tone of the speech of the hon. Member for Tyrone (Mr. Macartney) said, he thought, after what the Prime Minister had said with reference to the particular Act objected to, that the Motion for Adjournment ought not to be pressed; and in fairness to everybody, they should now divide without further delay on the second reading. In Committee, Motions could be made for the omission of certain Acts from the Schedule. For instance, he intended to move in Committee the omission of the Election Petitions Act. He believed it was essential to the protection of the character of honest men and to the credit of the House that that Act should be altered.

Mr. SULLIVAN also appealed to the hon. Member (Mr. O'Clery) not to press his Motion for the Adjournment of the Debate. He (Mr. Sullivan) confessed that he listened with deep regret and with some humiliation to the speech of the Member for Tyrone. It was one of the worst evils of subjection, that it dulled the moral susceptibilities, deadened that noble resistance against wrong, and produced amongst those who had been subjected to its deteriorating agencies, men who would protest that they loved their chains.

Mr. MITCHELL HENRY thought the debate should be adjourned, because hon. Members evidently did not understand the situation. The House was entitled to know from the Government, and especially from the Attorney General for Ireland, on what grounds the renewal of these Acts for two years was asked.

Mr. BIGGAR hoped the Motion for adjourning the debate would be persisted in. Not a single argument had been adduced to sanction the continued enactment of any of the 34 statutes set out in the Schedule to the Bill, and he maintained that, in the absence of knowing anything more than their names, it was not fair to be asked to consent to their continuance. One of the Bills proposed to be renewed was the Grand Juries Bill, to which he had every objection, because in most cases that body acted in the most atrocious and corrupt manner. ["Order, order!"] He contended that he was perfectly in Order. Then came the Corrupt Practices at Elections Bill, which was a most imperfect measure and required alteration, especially after some recent decisions of the Irish Judges. Then came the most objectionable of all, and that was the Peace Preservation Act, which was most offensive to the people of Ireland and injurious to the country. He thought they should be allowed to consider all these Bills separately, and for that reason supported the adjournment of the debate.

Mr. J. MARTIN appealed to the House to adjourn the debate, in order that a full opportunity might be afforded for the discussion of the various Acts contained in the Bill.

Mr. M. BROOKS also supported the adjournment.

Question put.

The House divided:—Ayes 35; Noes 110: Majority 75.

Main Question put.

The House divided:—Ayes 112; Noes 33: Majority 79.

Bill read a second time.

In reply to Mr. M'CARTHY DOWNING.

Mr. DISRAELI said, it was not intended to go on that evening with the other Irish Business on the Paper.

Motion made, and Question proposed. "That the House go into Committee on the said Bill on Thursday next."

Mr. M'CARTHY DOWNING appealed to the right hon. Gentleman at the head of the Government whether, considering the manner in which the House had been kept all that day, and that the House did not adjourn that morning until between 2 and 3 o'clock, the House ought not now to adjourn. He would therefore move that the House do now adjourn.

Mr. SPEAKER said, the Motion proposed by the hon. Member was not in Order. The question before the House was, that the Committee on the Bill be taken on Thursday.

Mr. MITCHELL HENRY claimed the fulfilment of the promise given by the right hon. Gentleman the Chancellor of the Exchequer—a promise in which Irish Members had the greatest confidence—that a day would be given specially for the discussion and consideration of the Bill, and they now hoped that promise would be kept by the Government.

Mr. DISRAELI: I certainly consider that the offer on my part was not accepted. At the same time, so far as that offer was made from my own sense of propriety and justice, I should certainly be influenced by the same considerations hereafter.

Mr. M'CARTHY DOWNING explained that the hon. Member (Mr. Mitchell Henry) had referred not to the offer of the right hon. Gentleman, but to a promise made by the Chancellor of the Exchequer at a part of the debate when the Prime Minister was not present.

LORD JOHN MANNERS said, he would give his recollection of what had passed. Very early in the discussion, the Chancellor of the Exchequer under-

took, if hon. Gentlemen opposite would consent to the second reading, that the Committee should be fixed for some day next week, and that a fair opportunity should then be given of discussing the particular matters in the Bill to which hon. Members objected. How that offer had been received, he need not say; but certainly after what had passed, he held that it was not competent for hon. Gentlemen to ask for a fulfilment of the conditional promise.

SIR JOHN GRAY said, the course now taken was perfectly unjust, and he hoped the Prime Minister would see the necessity of keeping the promise given in his absence by the Chancellor of the Exchequer. If that promise was not kept, then he must say the course proposed to be taken by the Government was most unjust.

MR. SULLIVAN said, the promise made by the right hon. Gentleman the Chancellor of the Exchequer was in the most conciliatory manner, and not in any trafficking spirit; and let him remind the noble Lord the Postmaster General, that the right hon. Gentleman the Chancellor of the Exchequer added that he thought a Bill of that great importance should have a full opportunity to be considered. He (Mr. Sullivan) therefore hoped the right hon. Gentleman would give to Irish Members an assurance that a day would be given for the discussion of those Acts, and that they be not taken at "the Irish hour."

THE CHANCELLOR OF THE EXCHEQUER said, he was not in the House when the question was raised, and he therefore did not know how it came before the House. But he would state what had occurred with regard to the second reading of this Bill. On the Motion for Adjournment of the House, he stated that it would be exceedingly inconvenient if the House were then to take into consideration all the questions comprised in this Bill, and also the cross issues that would be raised, and he therefore suggested that the proper time to take them into consideration would be when the Bill was in Committee; and he promised that if hon. Gentlemen would allow them to proceed with the second reading of the Bill—discussing, if they pleased, the general principle of including a large number of Acts in one Bill of this kind—he would take the opportunity of saying that a day would

be given for the consideration of this Bill. He further said that if the Bill were read a second time, they would in Committee then go into the consideration of the various Acts to which it referred, and of course it would be always in the power of hon. Gentlemen to raise discussion on the particular Motion; but as the discussion had now gone on for many hours, and had turned on the merits of the particular measures, he held that the conditional pledge he had given was not in any way binding on the Government.

MR. BUTT said, that without in any way disputing the accuracy of the right hon. Gentleman's recollection, they were bound to take a division on the question of the second reading of the Bill, as a protest against the measure; and, as far as he was concerned, considering the danger that might arise from the discussion of such a Bill, he must say that Bills of such great importance ought not to be taken at a late hour of the morning. He hoped the right hon. Gentleman at the head of the Government would allow them that request; but if he should not, he (Mr. Butt) would now plainly tell the right hon. Gentleman that, although they were a small, they were a strong minority, and that they would most resolutely obstruct his measures.

Question put, and agreed to.

Bill committed for Thursday.

House adjourned at a quarter after  
Seven o'clock till Monday.

## HOUSE OF LORDS,

Monday, 27th July, 1874.

MINUTES.]—PUBLIC BILLS—*Second Reading*—  
Alderney Harbour \* (196); Shannon Navigation \* (189); Statute Law Revision (No. 2) \* (147); Public Health (Ireland) \* (195).  
*Report*—Intoxicating Liquors (Ireland) (No. 2) \* (174).  
*Third Reading*—Revising Barristers (Payment) \* (175); Mersey Channels \* (182), and *passed*.  
*Withdrawn*—Poor Law Amendment (Removal) (168).

## THE MAGISTRACY (IRELAND)—THE LORDS LIEUTENANT.—QUESTION.

LORD CARLINGFORD, in asking Her Majesty's Government, What they con-

sider to be the position of Lieutenants of Counties in Ireland as regards their responsibility for the appointment of gentlemen to the commission of the peace? said, before putting his Question he wished to make a few remarks in justification for doing so, and to explain why he thought the responsibility of the Lords Lieutenant had been affected by the course taken by the Lords Commissioners. On the 21st of May last a Question was asked in that House by his noble Friend behind him (Viscount Lismore), the Lieutenant for the county Tipperary, who had previously recommended three gentlemen to the Lords Commissioners of the Great Seal in Ireland for appointment to the magistracy—two for one petty sessional division of the county, and one for another; and he understood from the answer given, that only one out of the three was appointed?

THE DUKE OF RICHMOND: What are the names of the others?

LORD CARLINGFORD said, he had not got them, but there was no doubt about the facts. His noble Friend asked why there should have been a selection from the names recommended, as it was an unusual course to take, and one which during his 17 years' lieutenancy had not occurred before. The answer his noble Friend got was, that the Lords Commissioners did not think it necessary to appoint more than one to the division named, and that there were sufficient justices at the other place. About a month later, a similar Question was asked in the House of Commons; and there the Chief Secretary for Ireland stated that of the two rejected gentlemen one was an agent and the other a doctor, and that there was an order in existence of the late Government that no agents or doctors should be appointed to the bench. He (Lord Carlingford) had never heard of any such rule, but he knew it had been a common thing to appoint agents, and he believed many noble Lords were aware that agents had frequently been placed in the commission of the peace. He thought also that it was expedient that the appointments to the magistracy should not be confined to one class—namely, the landed gentry. It was sometimes impossible in Ireland to find sufficient persons amongst the landed gentry of a county qualified for the position; and in his opinion it was better, for sufficient

cause, to depart from the rigid rule, and, provided other persons than landed gentry could be found, who were fit and proper for the position, who were men of intelligence and independence, to appoint them, rather than that the bench should be unmanned or insufficiently manned, or composed exclusively of persons of one particular class or creed. When that course was taken, it could not be alleged that any persons of any particular class were excluded from the bench, and the result was, that the action of the magistrates was received with more confidence on the part of the people. He could not say whether it was in this case necessary to go outside the landed gentry, but the Lieutenant of the county, who was responsible, considered that there was a necessity, and the Commissioners of the Great Seal took it upon themselves to override his opinion. How many other cases of the sort there had been he did not know, but two similar cases had come to his knowledge. The noble Marquess the Lieutenant for the county of Meath (the Marquess Conyngham) had, as he understood, sent in the usual way the recommendation of three gentlemen for the commission of the peace; one of them was rejected, and the reason given for such rejection was, that the Commissioners considered there were already too many justices for the divisional district named. Now the noble Marquess had been previously informed on good authority that the justices for the division in question were too limited in number. The third case was that of Viscount Monck, the Lieutenant of the county Dublin. He sent in the names of five gentlemen for the commission of the peace—that number was explained by the fact that the late Lieutenant had not recommended anyone for a long time—and the whole were rejected by the Lords Commissioners. As to one gentleman the reason given was, that he was a member of the medical profession. He (Lord Carlingford) had made inquiries, and had been assured that great inconvenience would result from the course which the Commissioners had followed. The only reason given for rejecting the other four gentlemen was that there was no necessity for increasing the number on the bench for the district named. Now, it appeared to him that all these cases, taken together, showed a

*Lord Carlingford*

remarkable departure from the usual practice—whether in regard to England or Ireland—in reference to the recommendations of Lieutenants of counties. He did not question the legality of the course pursued by the Lords Commissioners—moreover, he fully admitted that there were exceptional occasions when it was the duty of the Lord Chancellor to interfere—perhaps more frequently in Ireland than in this country—and refuse to make the appointment; and he could imagine that sometimes it would be his duty to make appointments where Lieutenants did not recommend names, in case the public interest imperatively required it. But this admission did not cover the cases which he had described in reference to the practice of the Commissioners of the Great Seal. It appeared to him that their practice was, to say the least of it, novel, and that, if it should be continued, it would seriously interfere with the due responsibility of Lieutenants in Ireland. The serious danger was not, as the Commissioners seemed to think, that there might be too many magistrates, but too few, and if the practice should be drawn into a precedent, and be followed by future Chancellors, that would be the result, for Lieutenants would not feel inclined to make any recommendations, not being willing to subject themselves to such rebuffs as those he had referred to, and every Lieutenant of a county would imagine that his turn would come. Therefore, without going any further, and without imputing any motives to the Commissioners, he wished to ask the Question of which he had given Notice to the Government.

THE DUKE OF RICHMOND said, he was not at all sorry the noble Lord had brought the subject under the notice of their Lordships—though the subject had been brought forward by the noble Viscount (Viscount Lismore) with reference to the Tipperary case at an earlier period of the Session—for he thought he should be able to show their Lordships that the Commissioners of the Great Seal in Ireland had not been actuated by the motives which the noble Lord had—not attributed to them—but which the statements he had made, if not answered, might encourage other persons to impute to those learned personages. As to the Question of which the noble Lord had given Notice, and which he had just put

—what the Government consider to be the position of Lieutenants of counties in Ireland as regards their responsibility for the appointment of gentlemen to the commission of the peace?—he should have thought from the noble Lord's long connection with Ireland and the high official position he had held in that country, he would have been able to answer it himself without putting it to any Member of the present Government. He would, however, answer the question—no doubt the position of Lieutenants of counties was this—that if they thought more magistrates were required, it was their duty to inform the Lord Chancellor that such was their opinion, and at the same time to forward names for appointment. The noble Lord must know that on the form which the Lieutenants of counties filled up when making application for the appointment of magistrates, there were a number of questions to be answered. One of these was, "Whether he (the candidate) is an agent, and, if so, to whom?" He mentioned that in reference to the noble Lord's remark about the objection to a gentleman on the ground of his being an agent; but he referred to the queries generally to show that the matter was not regarded as one of mere formal recommendation to be followed by an appointment. The appointment was really made on the joint responsibility of the Lieutenant and the holder or holders of the Great Seal. Otherwise, why that paper of queries? The state of the case, he took to be this—that the Lieutenant of the county recommended on what he thought to be good and sufficient grounds; and on these having been laid before the Lords Commissioners, it was their duty to investigate the circumstances with a view of determining whether the grounds were good and sufficient; and if they thought they were not, they declined to make the appointment. Now, as to the particular cases referred to by the noble Lord, he was informed that the noble Viscount the Lieutenant of Tipperary sent up in May last the names of three gentlemen, named Hackett, O'Meara, and Ryan. Mr. Hackett was not appointed because the Commissioners were of the opinion that there were a sufficient number of magistrates in the division for which he was recommended. He was informed that a refusal to appoint based on that ground was by no means

an uncommon occurrence. Mr. O'Meara was appointed—and as the noble Lord, while not himself imputing bad motives, spoke of what might be said if Roman Catholics were not appointed, he might observe that Mr. O'Meara was a Roman Catholic. Dr. Ryan was not appointed because he was the doctor of a dispensing district.

LORD CARLINGFORD said, he understood Dr. Ryan had at one time been the medical officer of a dispensing district, but had ceased to be so for the previous 12 months.

THE DUKE OF RICHMOND was giving the reason assigned by the Lords Commissioners; and he wished to call the attention of the House to the fact that the late Lord Chancellor of Ireland (Lord O'Hagan) who was now in his place, had declined to appoint to the Commission of the Peace doctors of dispensary districts, and had caused that fact to be notified to Lieutenants, and had almost gone the length of turning in his mind whether he should not remove such gentlemen from the list of the magistracy already appointed if they still continued to be dispensing.

VISCOUNT LISMORE said Dr. Ryan was not a dispensing doctor when he recommended him.

THE DUKE OF RICHMOND was informed that Dr. Ryan was not appointed because he was a dispensing doctor.

VISCOUNT LISMORE: No.

THE DUKE OF RICHMOND trusted the noble Viscount would allow him to make his statement, and address to their Lordships any observations which he might think necessary when it came to his turn to speak. He had stated what he had been informed were the facts in respect to Tipperary. As regarded the case of the County Meath, his noble Relative the Lieutenant of that county (the Marquess Conyngham) recommended five gentlemen—three at one time, and two at another. Four were appointed, one of them being stated to be a brother of Cardinal Cullen. The fifth, who was not appointed, was Mr. Delaney. He was a nephew of Cardinal Cullen; but of course that had nothing to do with his not being appointed, but he had an uncle on the bench—which was regarded as an objection. These appointments were for the Navan petty sessions bench, and the Lords Commissioners considered that there were already a sufficient

number of magistrates there. He (the Duke of Richmond) believed the Lords Commissioners of the Great Seal had every reason to conclude that his noble Relative was satisfied with the course they adopted in this case, and he could not but think himself that his noble Relative was satisfied. Now, as to the case of the county of Dublin. The application was for the appointment of five magistrates, two of whom were to be of the sessional district of Cabinteely and two for the sessional district of Swords. In each of these districts there were already 10 magistrates, and there had been no instance of the adjournment of the sessions in either place owing to a want of attendance of magistrates. Under those circumstances the Commissioners of the Great Seal arrived at the conclusion that additional magistrates were not required for Cabinteely and Swords, and they did not appoint any of the four gentlemen whose names had been sent in for those districts. The fifth name sent in by the Lieutenant was that of Dr. Eustace—the reason he was not appointed was this—their Lordships were aware that the summary jurisdiction in cases of lunacy vested in one magistrate. Dr. Eustace was the manager of two lunatic asylums, and it was thought that summary jurisdiction in cases of lunacy would be rather a strong power to put in the hands of a gentleman who was manager of two lunatic asylums. He would observe that the course of not appointing additional magistrates in districts in which the bench was already sufficiently strong did not prevail in Ireland only. The Lord Chancellor of England would decline to appoint in such a case; and he could state from his own experience that his noble Friend the Lieutenant of Sussex (the Earl of Chichester) had declined to recommend some gentlemen, friends of his, on the ground that there were already a sufficient number of magistrates in the district. He trusted he had shown that the Commissioners of the Great Seal in Ireland were perfectly justified in the course they had adopted in all the cases brought forward by the noble Lord; and on their part, he ought to thank the noble Lord for the opportunity he had afforded them of making the facts known to their Lordships and the public.

VISCOUNT LISMORE said, he had to acknowledge the uniform courtesy of

the noble Duke; but the explanation given in the other House of Parliament with reference to the non-appointment of two of the gentlemen he had recommended to the commission for Tipperary was not the same as that which the noble Duke had given on a previous occasion to their Lordships. The explanation of the noble Duke and that given in the letter of the Commissioners of the Great Seal was that additional magistrates were not required. In their Lordships' House, he was told it was because additional magistrates were not wanted; but in the other House it was stated that one gentleman had been rejected because he was a doctor, and the other because he was an agent. As to Dr. Ryan, he had ceased to hold any medical appointment at the time he (Viscount Lismore) recommended him; and as to the exclusion of agents, it was a very extraordinary reason to adduce, seeing how many agents there were actually on the Bench. Several noble Lords, who had large estates in Ireland, placed them under the management of agents, who were very able men, and almost all of them were in the commission of the peace. He remembered that when a former agent of the late Earl of Derby retired, and his successor was appointed, that noble Earl wrote to him, as Lieutenant of the county of Tipperary, requesting him to recommend the new agent for the commission of the peace. He did so, and the late Lord Chancellor of Ireland at once appointed him. As to doctors, he did not know the rule, but he heard that one was appointed to the commission not very long ago. The gentleman whom he had recommended had retired from the dispensary practice before he recommended him. As to the sufficiency of the number of magistrates, without being presumptuous, he thought that, as a resident proprietor, he ought to be as good a judge of that as the Commissioners could possibly be. Before their refusal, his recommendations had never been rejected.

LORD CARLINGFORD said, that when he referred to possible cases, in which too many of one creed might get upon the Bench, he made no allusion whatever to any particular appointments or rejections by the Commissioners of the Great Seal. He was referring to cases in which a departure from the

rule of appointing from the landed gentry only might be desirable, and to cases in which the action of the holder of the Great Seal might be necessary by way of interference. He made no charge whatever, except that interference with the recommendations of the Lieutenants of Counties had been carried by the Commissioners to a pitch it had never been carried before, and he hoped never would be again.

#### POOR LAW AMENDMENT (REMOVAL)

BILL—(No. 168.)

(*The Lord Henniker.*)

#### SECOND READING.

Order of the Day for the Second Reading, read.

LORD HENNIKER, in moving that the Bill be now read the second time, observed that the noble Duke the Lord President had very properly said the other day that he disapproved Bills being brought in which were not intended to pass. He must apologize to their Lordships for bringing in this Bill at such a late period of the Session; but the subject it proposed to deal with was a very difficult and a very important one, and it really was almost impossible for him to bring it in sooner. However, it was a Bill which was meant to pass, and he could not expect, as a private Member of the House, to pass it in one Session, even if he had been able to bring it in sooner; and so he had thought it best to ask their Lordships to read the Bill a second time, in order that it might be well considered throughout the country during the winter, and that he might be able to bring in a Bill, drafted in the most complete manner, early next Session. He was aware that, short as the Bill was, it had its faults in detail, and he had no doubt whatever he could frame a Bill far more complete, far more satisfactory, by postponing it till another year; but it would secure a full discussion during the Recess if it were read a second time. He did not even wish to pledge their Lordships to the principle of the Bill, except to the extent that legislation of late years had taken the right direction on this question, and that if a satisfactory plan could be proposed, they would not be unwilling to entertain it, particularly after what he had said as to the probability of its being made a far better Bill by giving

more time for the consideration of its provisions. Some noble Lords might say it would establish the principle of the Bill to the full extent to read it a second time. If it were the general opinion of the House that such a course would establish the principle of the Bill to a greater extent than was desirable at the present time, he would withdraw it at once; but being anxious to have it fully discussed, to gain opinions from all quarters, so that he might bring in a complete measure, he should be extremely glad to have it read a second time. All he could say was, he believed the feeling of the country generally would be in favour of the change, even if some large towns were not so. He hoped their Lordships would allow him to withdraw the Bill, if they would not allow it to be read a second time, for he had but one object in view—to be of service in the matter, and it might prejudice the full discussion of the question next year, were the Motion negatived. The Bill was simply intended to make an alteration as far as the removal of paupers was concerned, and to improve the operation of the Poor Law generally. This was a question which had cropped up from time to time, and no doubt legislation tended in the direction the Bill took. Within a short period, the time when a pauper was irremovable had been reduced from five to three years, and from three years to one year. These changes had caused little, if any inconvenience, and the change proposed now was proposed in 1865 by Mr. Henley, whose judgment could hardly be disputed in matters of this kind—even before the changes in question had been fully tried. The Bill was simply to do away with removal, and not to deal with the law of settlement of the poor. The clauses were based on 9 and 10 Vic. cap. 66—the Act which was, perhaps, the most important of all the Acts in the present state of the law. The Bill only sought to do away with removal in England, leaving Ireland and Scotland untouched. Of course, that would affect the law of settlement, but although some thought it did so altogether, he maintained removal and settlement were two distinct questions in many respects. With these remarks he would ask their Lordships to read the Bill a second time, and he, on his part, would undertake to place the matter in a proper

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form before the House, to the best of his ability, next Session.

*Moved*, “That the Bill be now read 2<sup>d</sup>.”—(*The Lord Henniker.*)

THE DUKE OF RICHMOND said, he would ask his noble Friend not to press the second reading. Except under very special circumstances, it was not desirable to read a Bill a second time if there was no intention of proceeding with it till another Session. He saw no object in reading this Bill a second time in the present Session; but he saw great inconvenience attending such a course. Though the Bill was a small one, it treated with a part of what was a very large subject. Other questions besides that of removal would have to be considered in dealing with it. He did not think their Lordships should commit themselves to the principle of the Bill; and they would be doing so if they gave it a second reading. He would therefore recommend his noble Friend to withdraw the Bill.

LORD EGERTON of TATTON and EARL FORTESCUE concurred in the request that the Bill should be withdrawn for the present Session.

LORD HENNIKER assented.

Motion (by leave of the House) withdrawn.

Order for the Second Reading discharged; Bill withdrawn.

House adjourned at half-past Six o'clock,  
till To-morrow, a quarter  
before Five o'clock.

## HOUSE OF COMMONS,

*Monday, 27th July, 1874.*

MINUTES.]—SUPPLY—considered in Committee  
—SUPPLEMENTARY ESTIMATES.

WAYS AND MEANS—considered in Committee—  
Consolidated Fund (£25,497,568) \*.

PUBLIC BILLS—Resolution in Committee—Great  
Seal Offices [Salaries, &c.] \*.

Ordered—First Reading—Supreme Court of Judicature Act (1873) Suspension \* [235].

Second Reading—Vaccination Act, 1871, Amendment \* [226]; Great Seal Offices \* [223].

Committee—Report—Local Government Board (Ireland) Provisional Order Confirmation \* [207]; Local Government Board's Provisional Orders Confirmation (No. 5) \* [209]; Real Property Vendors and Purchasers \* [137-233]; Real Property Limitation \* [138]; Lough Corrib Navigation \* [218]; Pier and Harbour Orders Confirmation (*re-comm.*) \* [229]; Church Patronage (Scotland) \* [159-234].



*Considered as amended*—Registration of Births and Deaths \* [224]; Endowed Schools Acts Amendment \* [228]; Turnpike Acts Continuance \* [186]; Valuation (Ireland) Act Amendment \* [134].

*Third Reading*—Tramways Provisional Orders Confirmation \* [220]; Royal (late Indian) Ordnance Corps Compensation \* [219]; Boundaries of Archdeaconries and Rural Deaneries \* [212], and *passed*.

*Withdrawn*—Land Titles and Transfer \* [136]; Summary Jurisdiction (Ireland) \* [217]; Supreme Court of Judicature Act (1873) Amendment \* [179]; Court of Judicature (Ireland) \* [168]; Tribunals of Commerce \* [2].

#### COMMISSIONERS OF EDUCATION, IRELAND—NATIONAL SCHOOL AT ALTANAGH.—QUESTION.

MR. SULLIVAN asked the Chief Secretary for Ireland, Whether it is true that endeavours have been made and are still being prosecuted to obstruct or prevent the establishment by the Commissioners of Education of a National School in the neighbourhood of Altanagh, county Tyrone, under the management of the Catholic clergyman of the district, such obstruction being effected by the landlord evicting or threatening to evict each holding or premises in which it has been sought from time to time so to establish a national board school, unless on the condition of the board nominating himself as manager of any such school; whether it is true that the school last or most recently opened by the national board in the district has not since been placed under notice of eviction by the landlord in prosecution of such a purpose; and, whether he will have any objection to lay upon the Table, Copies of any Correspondence between the Commissioners of Education and the landlord in question in reference to those schools; and Copies of any Reports upon the subject by any of the National Board Inspectors?

SIR MICHAEL HICKS - BEACH, in reply, said, that as far as he had been able to ascertain the facts, the first application made by the Roman Catholic clergyman of the district of Altanagh, county Tyrone, to the Commissioners of Education to establish a National School there under his management, was rejected because he proposed that the school should be built on a site which was deemed unsuitable for the purpose. He then applied for leave to have a school established on another

site which the School Inspector of the district reported to be suitable, and leave was given for the establishment of a school there; but the owner of that site objected to the erection of a school upon it, and he believed that the question of ownership would have to be decided by a Court of Law. As to the Correspondence which had passed on the subject, there would be no objection to its production, if the hon. Gentleman would move for it.

#### BOARD OF TRADE—LIGHTHOUSE FOR CARDIGAN BAY—QUESTION.

MR. HOLLAND asked the President of the Board of Trade, Whether it has been decided to erect a Lighthouse on the mainland on the north shore of Cardigan Bay?

SIR CHARLES ADDERLEY, in reply, said, that the applications made through the hon. Member and the hon. Member for Cardiganshire, for the erection of a lighthouse in the vicinity of St. Tudwall's Roads, Cardigan Bay, were now receiving the attentive consideration of Trinity House and the Board of Trade. A final decision had not yet been arrived at on the subject, but would very soon be, and it might be hoped satisfactorily.

#### INDIA—KIRWEE BOOTY. QUESTION.

MR. EVELYN ASHLEY asked the Under Secretary of State for India, Whether in the matter of the claims of the Troops to further captured property as part of the Kirwee Booty of War, Her Majesty's Government intends to follow the recommendation of the Royal Commission on Army Prize, and the precedent set in the same matter by Lord Palmerston's Administration in 1854, by submitting these claims to the decision of the High Court of Admiralty, under the Act 3 and 4 Vict. c. 65?

LORD GEORGE HAMILTON: In reply, Sir, to my hon. Friend, I must remind him that the question which Lord Palmerston referred to the High Court of Admiralty in 1864 was, what forces or portion of the Army in the field should share in the amount which had been granted by the Crown as prize-money. The question which my hon. Friend now asks us to refer is, what should be considered prize-money.

That being a matter decided on the responsibility of Her Majesty's Advisers, Lord Salisbury is not disposed to reverse the decision of his Predecessors, who refused to allow the question to be submitted to the tribunal referred to.

#### ARMY MEDICAL SERVICE.

##### QUESTION.

DR. LUSH asked the Secretary of State for War, Whether he will state how far he is prepared to give effect to the representations on behalf of the Army Medical Service lately made to him by Sir William Fergusson, Mr. Ernest Hart, and others, spokesmen of a deputation of the British Medical Association?

MR. GATHORNE HARDY, in reply, said, he had answered a Question on the subject not very long ago. It would be impossible for him to state in detail what was intended to be done within the limits of a reply to a Question, and he would therefore reserve his reply until he was able to state fully the decision which had been, or might be, arrived at by the Government.

#### PUBLIC HEALTH ACT—FEVER IN MARYLEBONE.—QUESTION.

DR. LUSH asked the President of the Local Government Board, Whether any report has been made to him respecting last year's outbreak of fever in Marylebone and neighbouring districts, supposed to be connected with infected milk; and, if so, whether he will lay it upon the Table of the House?

MR. SCLATER-BOOTH, in reply, said, that within the last few days he had received a detailed Report on this subject, but he had hardly had time to consider it. In his opinion, it would not be desirable to lay it on the Table of the House; but the more material portions of it would probably be published in the Appendix to the Report of the Local Government Board.

#### POST OFFICE—SALARIES.

##### QUESTION.

MR. MUNDELLA asked the Postmaster General, If he will inform the House when the scheme for improving the position of the employes in the minor establishments promised before the Whitsuntide Recess will be promul-

gated? The hon. Member said he asked the Question because he was informed that while the improvement had taken place in the metropolis, it had not reached the provinces. A Petition had been sent from Sheffield, complaining that the class of minor employes had received no benefit.

LORD JOHN MANNERS, in reply, said, that an experimental scheme was first tried in the metropolitan district. It was not true that the position of the minor employes in the country was worse than it was three years ago, for since 1872 a great improvement in their pay and status had taken place; and that had been the case also with respect to Sheffield.

#### IRELAND—ORANGE PROCESSION—CASE OF JAMES MALLON.

##### QUESTION.

MR. MC CARTHY DOWNING asked the Chief Secretary for Ireland, Whether it is true, as stated in the "Ulster Examiner" of the 14th instant, that James Mallon, while standing on the grounds of the Catholic Seminary at Armagh, and in conversation with a Catholic clergyman, was dangerously wounded by a bullet fired by one of an Orange party assembled at Armagh on the 13th instant, in the presence of County Inspector Faussett and a constabulary force; and, whether any arrests were made and an inquiry instituted, and is Mr. Faussett the same person who searched the Catholic Cathedral at Armagh for arms?

MR. VANCE also asked the Chief Secretary for Ireland, Whether it is true, as stated by the "Ulster Gazette," that a perfectly legal procession in Armagh was attacked with stones by an infuriated mob, who were the aggressors, and that there was no evidence that the shot which was fired proceeded from the Orange party?

SIR MICHAEL HICKS-BEACH: Sir, from inquiries I have made, it would appear that on the 13th instant an Orange procession passed through Armagh at about 11 o'clock a.m. On their way to the railway station, stones were thrown at the processionists by the Roman Catholic party. The Orangemen in return threw stones at the Catholics, and fired shots—variously estimated at from 6 to 20. One shot wounded,

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but not dangerously, a man named James Mallon in the left arm. When struck he was standing in a field at a considerable distance, near the Roman Catholic seminary, in company with a Catholic clergyman. It is not known from which side the stray shot proceeded; but every effort is being made to bring the person who fired the shot to justice. Should he be detected, the Government will do their best to ensure his conviction. Mr. Faussett was present and rendered every possible service in preventing a more serious collision. With regard to the latter part of the hon. Member's Question, I have made inquiry, and find that he has been misinformed, as Mr. Faussett did not conduct the search referred to.

#### THE NEW CHARITY COMMISSIONERS. QUESTION.

MR. W. E. FORSTER asked the First Lord of the Treasury, If he can give the House the names of the three new Charity Commissioners which it is the intention of the Government to appoint?

MR. DISRAELI: I hope, Sir, to be able to follow the precedent to which the right hon. Gentleman refers, but it will not be convenient to give the names to-day. A very short time, however, will elapse before they are given.

MR. W. E. FORSTER: May I ask if the Government will not proceed with the third reading of the Bill to-morrow unless the names are given? If the right hon. Gentleman follows precedent, he will give the names before the Bill leaves this House.

MR. DISRAELI: I do not think the course of Business ought to be interrupted by such a circumstance; but it is possible they may be given before that time.

MR. MUNDELLA: On the Question, that the Bill be read a third time. I shall move that it is inexpedient to pass the Bill until the names of the Commissioners are given.

#### IRELAND—DUBLIN UNIVERSITY.

##### QUESTION.

THE O'DONOGHUE asked the Chief Secretary for Ireland, Whether, considering that the Papers relating to the proposed changes in the constitution of the University of Dublin have only just

been placed in the hands of Members, the absence of many Irish Representatives, and the state of Public Business, he will be able to afford an opportunity for full discussion which, at an earlier period of the Session, the Government undertook to provide?

SIR MICHAEL HICKS - BEACH, in reply, said, he thought the hon. Member was labouring under two misconceptions—first, that there was an undue absence of Irish Members from the House; and, second, that the Home Secretary had promised that the Government would afford any particular opportunity for the discussion of the question. What the Home Secretary had stated was, that the question would be fully discussed either by the Senate of the University, or the House; and anyone who had watched the proceedings of the former body, would be aware that there had been a full discussion on the subject. He would remind the House that the proposed action consisted merely in the carrying out of the provisions of the University of Dublin Tests Act of 1873, and in the formation of a new Governing Body for the University. With regard to this latter change, the proposals made had met with the approval of all the parties prominently concerned, and he did not think it necessary to give a day for a discussion of the subject at that late period of the Session. It would be open to the hon. Member to raise the question on the Appropriation Bill.

#### IMPRISONMENT FOR DEBT—THE CHANNEL ISLANDS.—QUESTION.

MR. LOCKE asked the Secretary of State for the Home Department, Whether it is or not the fact that the law of arrest on mesne process still exists in the Channel Islands, and that an Englishman going to reside in Jersey may, without any notice or action brought, be arrested for a debt incurred in England, and to a creditor resident in England, notwithstanding the abolition in England of the law of imprisonment for debt?

MR. ASSHETON CROSS, in reply, said, he believed the Imprisonment for Debt Act was not intended to apply to the Channel Islands. Since the Question had been put on the Paper, he had taken steps to procure information on the subject.

THE JUDICATURE BILLS—POSTPONE-  
MENT.—QUESTION.

SIR HENRY JAMES asked, Whether the Government have considered the expediency of proceeding with at least one of the Judicature Bills this Session?

MR. DISRAELI: Sir, before we came to a decision on these Bills we gave them all the consideration their importance demanded, and the opinion of Her Majesty's Government was, that it would not be to the public advantage to proceed with one only. They were so drawn and so fitted into each other, that it would have been alike inconvenient and inexpedient to have taken such a course as would have separated them from each other. From the state of Public Business, I believe it would be quite impossible, if we looked to carry both Bills this Session, that we should succeed. Were we to try to do so, I believe the Session would be procrastinated to an extent probably not desired by most hon. Members. As I am on the subject, I may say that some days before we arrived at this decision, the Lord Chancellor had informed me it would be necessary, in consequence of the delay respecting the Rules, to extend the time from the 3rd of November to the 1st of January. That was inevitable; and, of course, that was a circumstance which we took into consideration. Now, it appears to me that if these Bills are re-introduced and subjected to the advantage of a calm, and at the same time energetic and vigorous, discussion, they may be carried next year, and quite in time for the arrangements of the summer Assizes. Therefore, we shall ask for a suspension of the Bill of last year for a term not beyond November, 1875. It is probable that by May next year we shall have brought the matter to a conclusion.

SIR WILLIAM HARCOURT: I understand that the Rules have left the hands of the Judges, and have been placed before the Queen. I want to know whether they can be laid on the Table before the end of the Session?

THE ATTORNEY GENERAL: Sir, as my hon. and learned Friend and the House are aware, the Supreme Court of Judicature Act of last Session provided for the Rules being laid on the Table of the House after they had been made by Her Majesty. As no such Rules have

as yet been made by Her Majesty, I am unable, in accordance with the sense in which the expression is used in the Act, to lay them on the Table; but, fully appreciating the natural anxiety of the legal profession, and of the public, to become acquainted with the Rules which have been prepared by the Judges, and submitted by them to the Lord Chancellor, I shall be happy to lay a Copy of them on the Table, if my hon. and learned Friend will move for it.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed.  
"That Mr. Speaker do now leave the Chair."

EPHING FOREST.

MOTION FOR CORRESPONDENCE.

DR. LUSH rose to call attention to the condition of the sanitary district of Epping, and to move that a Copy of the Correspondence relating to the subject be laid on the Table.

MR. SCLATER-BOOTH said, the subject was one of great difficulty. He thought he could assure the hon. Gentleman that the matter had now approached a point at which further delay would be avoided; but he believed it would not be conducive to the welfare of the public service to lay upon the Table the voluminous correspondence which had passed between the Local Government Board and the authorities at Epping. There could be no question that the Epping sanitary authority was under the same obligation as its predecessor to enforce a water supply in the district, and he hoped it would comply with that obligation.

Motion, by leave, *withdrawn*.

NAVY—CASE OF COMMANDER CHEYNE.

MOTION FOR A COMMITTEE.

SIR JOHN HAY, in rising to call attention to the case of Commander J. P. Cheyne, R.N., and to move—

"That this House will, upon Monday next, resolve itself into a Committee to consider of an humble Address to Her Majesty praying Her Majesty that She will be graciously pleased to direct that the Pension of £200 a-year awarded to the said John Powles Cheyne be paid to him, in addition to his retired pay, without deduction, for the term of his natural life, and to assure Her Majesty that this House will make good the same."

said, it was a subject which he had on a former occasion introduced to the notice of the House, and which had been before them by Petition. Commander Cheyne was an officer of considerable merit and distinction, who, after having served for a considerable period, and on three occasions in the Arctic expeditions, was appointed to the *Simoom*, one of Her Majesty's troop-ships on Indian service. His services in the Arctic regions had been so considerable that promises of promotion were held out to him. He was the first lieutenant of the *Simoom* during the period of the necessary hurrying out of troops to India at the time of the Mutiny. Whilst engaged in this service, which he performed with great credit to himself and advantage to his profession, Commander Cheyne, when off the Cape of Good Hope, in the attempt to save a man's life, received a severe blow upon the head, which fractured his skull and otherwise seriously injured him. His career was thus cut short, and he returned to England in impaired health. The Duke of Somerset, who was then First Lord of the Admiralty, with great kindness appointed Commander (then Lieutenant) Cheyne to the guardship at Portsmouth, for the purpose of training boys. The noble Duke stated that his condition of health was such that it would be improper to promote him, but that he might render good service in the position in which he had placed him. Commander Cheyne continued to render good service there for some time, until the officers at Portsmouth under whom he acted, again recommended him for promotion. The Duke of Somerset recognizing the great suffering which he (Commander Cheyne) had endured from his wound, and his great merit as an officer, and looking at the small number of officers that he could promote, together with the fact that the medical officers had pointed out that it was impossible he could serve in the Tropics, in consequence of his serious wound, appointed him as one of the lieutenants of Plymouth Hospital for the period of his natural life. Some doubt had since existed as to whether that appointment was for life or not, although the Duke of Somerset recognized the fact in certain correspondence, as would be seen by the Returns laid on the Table of the House by the late First Lord of the

Admiralty. It would be seen that he was appointed to succeed an officer who died at the age of 78, and there was no doubt that in 1863 the officers appointed to the lieutenancies of Plymouth Hospital were continued in this service for the period of their lives. This office gave Commander Cheyne the pay of a lieutenant of the Navy of £127 15s. a-year, and, in addition, his pay as a lieutenant of Plymouth Hospital was £200, making £327 a-year, together with a house partly furnished. In the year 1866, the Duke of Somerset being still at the Admiralty, a new regulation was passed, by which the lieutenants of the hospitals were to be retired at the age of 55; but that was not to apply, so far as Commander Cheyne was aware, to his particular case, and there was no intimation made to him that he was to be deprived of the office, which included a pension for the wound he had received. In 1869 considerable reductions were made in the Navy expenditure, and Commander Cheyne was retired from the position he occupied in the hospital. He lost his house and the duty he had to perform, but compensation was given to him of £200 a-year, which, however, was to cease on his attaining the age of 55. That was the particular part of the case to which he (Sir John Hay) wished to draw the attention of the House. This gentleman had received no pension for his wound, whereas the usual regulation was, that a person who was wounded in the service received a pension for life. Instead of that pension, he was appointed to a sort of sinecure, or light duty, for a permanency, as it was understood, but when he was deprived of the office, the pension was only given to him until the age of 55. It would be seen that that arrangement prevented him from making any proper provision for his family by insuring or by any other process, as he would have been able to do had his income been for life. When he was dismissed from the hospital in October, 1869, he appealed to the Duke of Somerset, to ascertain how it was that he was so dismissed, and there were four letters of the noble Duke now on the Table of the House, in all of which he, as First Lord of the Admiralty, asserted that Commander Cheyne was right in his view of the case, and that he had a right to receive proper compensation, as he (the

noble Duke) had intended that he should continue in the office of lieutenant of the hospital for life. The Duke of Somerset's letters extended to the 4th of June of the present year, in one of which he said—

"I shall be glad if the Admiralty can do something for you, in compensation for the loss of the appointment, which appeared at the time the best thing I could do for you. If any application is made to me, I shall be ready to state all I know of your case to the Board of Admiralty."

In addition to the fact that a pension had only been given to Commander Cheyne until the age of 55, this also had happened to this unfortunate officer. The right hon. Gentleman the Member for Pontefract, then First Lord of the Admiralty, on the 4th of March, 1870, when the subject was brought before the House, having stated the figures he (Sir John Hay) had already quoted, stated that Commander Cheyne would come off very well under the new retiring arrangement. But what happened immediately after that? Commander Cheyne was retired as a commander, and so promoted; but, instead of getting a benefit from that arrangement, the pension was reduced by the amount of the pay. He had £200 a-year pension, which was increased by £100, but that was reduced by £120, so that he now had a pay of £275 a-year for life and a pension of £80 2s. 6d., which would stop at the age of 55. The matter had been brought before the House on several occasions. The late Mr. Corry, who was First Lord of the Admiralty, took a very strong view of this case, as also did Lord Hampton, and every person who had investigated it with impartiality must see that Commander Cheyne had been extremely unfortunate in having received no pension for his wound. Two other officers were stated to be placed on the same footing as Commander Cheyne, but with this difference, that they were not wounded officers, whereas Commander Cheyne was hardly capable of doing anything for himself. He (Sir John Hay) should be sorry to detain the House on a question of this kind. He regretted that neither his right hon. Friend the First Lord of the Admiralty nor the Secretary of the Admiralty were present to state their views on the question, and would conclude by moving the Resolution of which he had given Notice.

*Sir John Hay*

#### Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon Monday next, resolve itself into a Committee to consider of an humble Address to Her Majesty, praying Her Majesty that She will be graciously pleased to direct that the Pension of £200 a-year awarded to John Powles Cheyne, Commander, R.N., be paid to him, in addition to his retired pay, without deduction, for the term of his natural life; and to assure Her Majesty that this House will make good the same."—(*Sir John Hay*).

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

THE CHANCELLOR OF THE EXCHEQUER said, he could assure his right hon. and gallant Friend and the House, that the Government exceedingly regretted that the First Lord of the Admiralty and the Secretary to the Admiralty were not present. They were absent on official business at Portsmouth, and the uncertainty attaching to the progress of Public Business in the House rendered it impossible for them to anticipate when the Motion would be reached. Not having himself paid any special attention to the matter, he was unwilling to express any opinion on the merits of the case in the absence of those better acquainted with it, and he therefore hoped the right hon. and gallant Baronet would be satisfied with a promise on the part of the Government, that they would consult the First Lord of the Admiralty, and that the case should receive candid and careful consideration. While the circumstances stated in a case of the kind, relating as it did to a matter of pension, might appear to constitute a strong claim upon the liberality, and even the justice, of the Government, yet those circumstances were often so complicated, and so much affected by the decisions taken in other cases more or less similar, that it would be rash in any one to pronounce an opinion off-hand. Certainly, the authorities to whom the right hon. and gallant Baronet had referred were such as to render it due to the gallant officer that the case should be carefully considered, and the right hon. and gallant Baronet might rely upon that being done.

SIR JOHN HAY said, if his right hon. Friend the Secretary for War, who sat next the Chancellor of the Exchequer, were consulted, he would be able

to explain his views of the case—views which no doubt would be shared by his Colleagues. He trusted that this blot on our naval administration would be removed before long.

Amendment, by leave, *withdrawn*.

Afterwards,

Mr. HUNT explained that he had not been present to reply to his right hon. and gallant Friend (Sir John Hay) on the subject, in consequence of his having been under the impression that the question was not to be brought forward that evening. He wished to state that his absence was not from any want of courtesy either towards his right hon. and gallant Friend, or the gallant officer in question.

#### IRISH CHURCH TEMPORALITIES COMMISSION—AUDIT OF ACCOUNTS.

##### RESOLUTION.

SIR JOHN GRAY, in rising to call attention to the Report of the Comptroller and Auditor General upon the Accounts of the Commissioners of Church Temporalities, Ireland, and to move—

“That it is the opinion of the House, that careful attention should be paid to the Report of the Comptroller and Auditor General upon the Accounts of the Irish Church Temporalities Commission,”

said, he had endeavoured to understand the accounts, but could not, and that was not surprising, because the Auditor General declared he could not understand them. It was no part of his object to bring any charge against the Commissioners; but the Irish people had a large interest in the funds they were administering, totally apart from the mere accuracy of their accounts. It would be remembered that when the Irish Church Bill was introduced, the capitalized value of the temporalities of the Church was estimated at £16,000,000, and it was computed that £8,000,000 would satisfy all reasonable demands of those who had life interests in that property. Further, the late Prime Minister and the late President of the Board of Trade enlarged upon the advantages Ireland would derive from the allocation of the surplus of £8,000,000. Therefore, the people of Ireland had a reasonable claim to have the accounts properly kept. From the Report of the Comptroller and Auditor General, however, it appeared that, on applying to

inspect mortgage deeds, he found many of them were not executed; other records were so insufficiently kept as to render it totally impossible for him to certify to the accuracy of the accounts; and under the heading of Tithe Rent Charge, it was stated that the annual statement was not completed, and had not been deposited in the Record Office; and when he asked whether a similar document for the previous year had been deposited, the reply he received from the Irish Church Commission Office merely stated that the Commissioners “did not think it necessary to supply the information asked for,” because the amounts were so very small. In reference to the See of Armagh, there was a deduction of £4,100 from the revenue, and the Auditor General considered it necessary to call the attention of the Commissioners to it. Going through the Report, he found, not one, but 20 passages indicating the same result—no accurate accounts were given. In one instance, an income derived from tithe rent charge, amounting to £1,300 a-year, had not been scheduled. No return was given of it; and the Auditor General had not been able to give any account of the matter at all. The state of the accounts was such, that the Comptroller felt utterly unable, with respect to some of these matters, to report to the Treasury, and the consequence was, that the necessary information could not be laid before Parliament in accordance with the provisions of the Irish Church Act. That was not a satisfactory state of things. Such laxity of conduct in connection with the business of a large public Department should not be permitted. The officers under the Church Commissioners ought to give all the necessary information for the purpose of seeing if the accounts were accurately and carefully kept, and the fund properly distributed. He trusted the whole subject would receive the attention of Government. In that hope, he begged to move the Resolution.

THE CHANCELLOR OF THE EXCHEQUER said, he would suggest that the hon. Member might not think it necessary to press his Motion, as it would, if acceded to, be inconvenient, and prevent the House proceeding with Supply. Neither did he think it would be for the convenience of the House that he should enter into any detail relative to the ques-

tions raised by the hon. Member. The matter was one of great importance, undoubtedly, and the hon. Gentleman had been exercising his right and doing good service in calling attention to the subject. The matter stood thus—in the Irish Church Act a clause was inserted, directing that the accounts of the Commissioners should be periodically sent to the Treasury, to be forwarded to the Auditor and Comptroller General for report, and that the Report should be laid before Parliament within proper time. That course had been adopted, and they had now before them the first Report of the Comptroller and Auditor General. It must be frankly admitted that, so far as the Report had gone, there were matters in it which seemed to challenge further investigation. It was impossible to carry on that investigation in a discussion in the whole House, and probably they would be of opinion that it would be most convenient to take the step which was usually taken with regard to public expenditure and the Reports of the Comptroller and Auditor General on that expenditure—namely, to refer the Report to the Standing Committee of the House on Public Accounts. If that course were taken, the Committee, which was exceedingly well qualified for the business, would investigate the matter and report to the House whether, in their opinion, there was anything in the case which required further attention on the part of the House. If the hon. Member would move to-morrow to refer the Report to the Committee, no objection would be made on the part of the Government.

SIR JOHN GRAY said, his only object had been to call the attention of the House to the subject, and he was perfectly satisfied with the explanation of the right hon. Gentleman. He would withdraw the Resolution.

Motion, by leave, *withdrawn*.

#### COAL MINES—ASTLEY DEEP PIT (DUKINFIELD) EXPLOSION.

##### MOTION FOR AN ADDRESS.

MR. SIDEBOTTOM, in rising pursuant to Notice, to call attention to the accident in the Astley Deep Pit Colliery in Dukinfield in April last; and to move—

“That an humble Address be presented to Her Majesty, praying that She will be graciously

pleased to issue a Royal Commission to inquire whether a better system of colliery inspection can be established, with a view to prevent such deplorable accidents in Collieries.”

said, that in making a few observations on that very serious and important matter, he hoped the House would extend to him its indulgence, for he should not have attempted to occupy its attention if he had not felt compelled to do so by a paramount and overwhelming sense of duty as being the Representative of the place where the dreadful accident occurred. He visited the scene of the catastrophe the day after its occurrence, ere the mutilated remains of the poor creatures who had met their doom had been all collected and brought to the surface; but he would not distress the House, or harrow the feelings of hon. Gentlemen by attempting to depict what he there saw. Suffice it to say that the scene was one which any person possessing the ordinary feelings of humanity must remember to the last day of his existence. Now, this colliery was one of the deepest in the Kingdom, he believed, indeed, in the world. The shaft, at the foot of which the explosion took place, was upwards of 2,000 feet deep, and the seam of coal which was being worked, called the Black Mine, about four feet in thickness, trended away at an incline about the same pitch as the roof of a house to a very great distance, and pointing deeper and deeper still. The roof of a portion of the mine called the Half Moon Tunnel had some time previously been on fire; and this fire, together with several falls or slippings in of the earth subsequently, had caused a large cavity to be formed immediately above; but the roof of the Half Moon Tunnel had been made good with timber, and the cavity above partially filled up with earth. On the day of the accident some of this timber was observed to be giving way, and the repairs which seemed necessary were being proceeded with, when suddenly a large portion of the roof fell in. An immense mass of earth and other debris followed. Simultaneously a tremendous explosion occurred, and upwards of 50 human beings were at once launched into eternity. Now, there had been some difference of opinion as to whether the timbers used were of sufficient strength. The official Inspectors gave it as their opinion that, taking into account the existence of the

*The Chancellor of the Exchequer*



cavity above, they were not of sufficient strength, and that also was the conclusion arrived at by the jury and expressed in their verdict. He thought it right, however, to say that on the other hand it was also stated in evidence that no timbers of any reasonable strength could have withstood the strain to which they were subjected, or borne the weight of such an immense mass of earth and rock as fell upon them at the time of the accident; nor could the Half Moon Tunnel have been arched with bricks, from the impossibility of finding any secure foundation upon which to rest the arch. There seemed, indeed, no doubt that the real cause of the accident was this—A quantity of gas had accumulated in this cavity and in an old, abandoned working connected with it above, called the Smithy Mine, and by a singular, and, as the event proved, but too fatal an error of judgment, an aperture or mouthing opening from the Smithy Mine into the main shaft, by which the gas had kept gradually escaping, had been walled up, so that, in effect, there was a large reservoir of highly inflammable and explosive gas penned up, and, as it were, hermetically sealed immediately above the lower mine and the heads of the men working there. And when the roof fell in, and a communication was thus established between the two mines, this gas rushing down into the lower mine, and meeting there the lights which were perfectly naked and exposed, the explosion followed as the necessary consequence; and probably the first question the House might be disposed to ask would be—How did it happen that these lights were perfectly naked and exposed? What was the use of passing Acts of Parliament for the regulation of mines, if these Acts were to be systematically treated as a dead letter, scientific appliances to be ignored, and naked lights, such prolific causes of accidents in collieries, were still to be the rule? He confessed that those were the thoughts which first presented themselves to his mind, but it appeared that that portion of the mine was considered so safe, so absolutely beyond the reach of danger, that it was the very part selected for the establishment of two permanent fixed furnaces which were situated within about 35 yards—the one for what was technically known as the “upcast” shaft, that is for creating a

draught of air giving ventilation to the mine, and the other the furnace of a boiler for an engine employed in hauling waggons up the steep incline already referred to, and both these furnaces being necessarily perfectly open and exposed, there was no object whatever in the other lights around being encased in Davy lamps. It was an important question, and one upon which considerable difference of opinion existed, as to whether these open furnaces ought to be permitted at the bottom of coal mines yet to be opened. Mr. Bell, one of the official Inspectors, emphatically stated it as his opinion at the inquest, that they ought never to be allowed, but that the fans necessary for ventilation, and the engines employed for various purposes, ought to be driven by compressed air or steam conveyed from the surface in pipes. That was a matter, however, of far too technical a nature for him (Mr. Sidebottom) to express a decided opinion upon; but he submitted it might be considered with great advantage to the public interest by the Commission he was then asking for. Well, both the House and the country heard with the greatest satisfaction the promise of his right hon. Friend the Home Secretary, that a full and searching investigation should be made into the cause of this accident; and they must have felt also that that promise was redeemed when it became known that a man of such eminence as Mr. Horatio Lloyd, Q.C. and Recorder of Chester, had been appointed to represent the Government at the inquest. But there was also another and a further guarantee for this inquiry being a perfectly satisfactory inquiry, in the composition of the jury, and the characters of the foreman of the jury and the coroner. The jury was not composed, as was generally the case with coroners’ juries, of small shopkeepers and other persons of the same class, but of the gentry of the neighbourhood; and throughout the whole of the long and protracted inquiry, they devoted to it the most patient and unwearied attention, and several times descended the mine for the purpose of satisfying themselves, by personal inspection, of its real state and condition. He had the pleasure of knowing several of them, as well as the coroner and the foreman. Mr. Johnson, the coroner, was a solicitor of eminence and of the highest respectability;

and Mr. Aspland, the foreman of the jury, had for many years been an active county magistrate, who had often taken the Chair in one of the Courts for the trial of prisoners at the Salford Hundred Quarter Sessions; so that, with Mr. Lloyd representing the Government, with a jury of such high respectability and intelligence, with the coroner a solicitor accustomed to sifting evidence, and with such a man as Mr. Aspland the foreman of the jury, both the House and the country might be perfectly satisfied that the promise of the Government had been redeemed, and that the inquiry into this sad affair had been as full, as ample, as strict, and as searching as any such inquiry could possibly be. Well, the verdict of this inquest had now been recorded, and, after such a thorough and exhaustive inquiry, he apprehended it must be accepted in its entirety. It cast very grave reflections, indeed very severe censure, upon the management of the colliery, both as regarded one of the lessees and also the officials employed. It was, however, in the hands of hon. Members, and spoke for itself, and therefore it would be quite unnecessary for him to trouble the House with any remarks in reference to this part of it. No doubt, it would receive the most serious and attentive consideration of Her Majesty's Government, and it would ill become him to anticipate their judgment. It was perfectly clear that great blame was to be attached to some one, but he wished to draw the attention of the House more particularly to the general lessons which seemed to him to arise from it in reference to the future. He thought the jury had arrived at a perfectly correct conclusion in reference to the present system of inspection, and he submitted that far above and beyond the immediate interests involved in this inquiry, great and important as those interests undoubtedly were, the true and direct logical inference to be drawn from it, and from the facts generally, was that the present system of colliery inspection was utterly inefficacious for protecting the lives of the persons employed, which ought to be its primary and chief object. Here for years had been a huge reservoir of highly inflammable and noxious gas suspended like the sword of Damocles above the heads of the poor fellows working in this mine. By-and-by it burst its bounds,

and like a mighty avalanche descending from the mountain top, swept with resistless force down into the lower mine, leaving death and destruction in its wake, and the result was one of the most terrible accidents of modern times. Well, what had the Inspector of this colliery been about? It was perfectly clear that the state of affairs which culminated in this accident had been in existence for a considerable time; that it might easily have been prevented—nay, that but for the gross and culpable ignorance, or rather downright insanity of the person or persons responsible for walling up this mouthing, it would never have occurred at all. Surely, a system of inspection powerless under these circumstances to prevent such an appalling loss of life, could be nothing but a delusion and a sham; and it was upon those broad grounds that he founded his Motion, in order that a competent authority might inquire whether any better system could be established. It might be that there were insurmountable difficulties in the way, and that the present state of matters must be accepted as inevitable; but even if that were so, by acceding to the terms of the Motion, the House would, at all events, have the satisfaction of reflecting that it had endeavoured to amend it. But it might be said—How could you expect an Inspector to know anything about this cavity or this mouthing, when the pit authorities themselves knew nothing about them? Well, in the first place, it was extremely difficult to understand how the pit authorities, or some of them, could possibly be ignorant of them. There was, however, a frequent change of managers, and no proper account appeared to have been kept of important events for the information of a new manager on his commencing duty, so that it was just possible they were really not aware of their existence; but, so far as he knew, the Inspectors had not been changed, and really that consideration afforded one of the strongest arguments that could be adduced in favour of a more efficient system of inspection, for these concealed dangers would then have been infallibly discovered, and their immediate removal insisted upon; and one of the first subjects he would suggest for the consideration of the Commission was, whether a kind of log-book should not be kept at each colliery, in which an entry should

made of every important event as it occurred, and this book be submitted for signature of the Inspector at every . . . A book of this description had to be kept under the provisions of present existing law, in which, in certain circumstances, entries had to be made, and he would extend and amplify that provision; and, if he was trespassing on the attention of the House too long, he should also like to insert very briefly one or two other points which it appeared to him a Royal Commission might consider with advantage. First, whether it should not be incumbent on Colliery Inspectors, at certain intervals, themselves to descend the various mines under their charge, in order personally to examine the state of the workings. He believed, except under extraordinary circumstances, they rarely now performed this; and, that, as a matter of fact, began the accident in March, 1870, and, last, the Astley Deep Pit was descended by a Government Inspector on occasion only. He understood that Mr. Wynne, the Inspector of the district, had 240 pits under his charge, and considered—and with good reason—his present duties so onerous as to be unable to perform this duty also; if that be so, surely additional inspectors ought to be appointed, as it seemed perfectly obvious that for the proper and efficient inspection of a coal seam 2,000 feet below the surface, that it must be regularly descended, and the workings examined. It was all very well to say the managers ought to be responsible. Undoubtedly they ought, but their responsibility, so far, had availed nothing to prevent these frightful accidents. He by no means wished to relieve them from that responsibility, but on the contrary, to increase and augment it; at the same time also, to establish a system of inspection which would insure them against a repetition of such miserable blunders and inexcusable acts of carelessness as had been witnessed in the present case. He frankly admitted that the subject was surrounded with grave difficulties, for it was quite possible to err in the opposite direction, and one might conceive a system of inspection so elaborate and practically, to place all the responsibility on the Inspectors, and relieve colliery proprietors and their managers of it, at the expense of the taxpayers.

That, indeed, would be a result eminently unsatisfactory. But then, what was to be done? Were they to make no effort to amend the present state of things? He thought few hon. Gentlemen would say that, and really the very existence of that and other difficulties afforded to his mind an irresistible argument in favour of a Royal Commission, in order that Gentlemen of great experience, after hearing evidence, after full inquiry, and full time for consideration, might report upon what was the best course to be adopted. It might also be considered whether, if the sons or other near relatives of Colliery Inspectors were precluded from occupying situations as colliery managers, that might not give the authority of the Inspectors more weight both with employers and employed. He did not wish either to suggest or insinuate that the fact of any of the present Colliery Inspectors having relatives in such situations had really at all influenced their conduct; but it must be remembered that they were by law entrusted with very extensive powers and very great, not to say arbitrary, authority, and that therefore they ought to be placed above the very faintest shadow of suspicion. The very important question of open furnaces at the bottom of mines might also well be considered. No one, he apprehended, would wish to entail on colliery proprietors the well-nigh ruinous cost of removing those already in existence; but it might, perhaps, be considered wise to prohibit them as far as possible in the new collieries which were being opened throughout the country in so many places. The Prime Minister stated at Manchester, in one of the most magnificent speeches that even he ever delivered, that "the health of the people was one of the most important subjects that could engage the attention of statesmen;" and they had lately been considering the details of a measure for promoting the health of women and children employed in textile factories, by limiting the duration of their hours of labour; and surely their responsibility was not less in reference to matters upon which men's lives immediately and directly depended. He himself heard Mr. Bell, one of the official Inspectors, declare on oath that a considerable portion of this mine was so unsafe—in such an extremely dangerous state—that he should not be in the least

surprised if it collapsed and closed up like a fan. He understood that it had now been made secure; but if Mr. Bell's fears had been realized previously, the House might readily conceive how dreadful would have been the fate of those employed! Each would have found a living tomb! But, when such a statement as that was made by a gentleman in an official position, and speaking under a sense of official responsibility, it deserved the most serious, the most careful, and the most attentive consideration, for was it not possible—nay, was it not probable—that a similar state of things might also prevail in other collieries, though, perhaps, it might not be brought to light till some fresh accident and the sacrifice of a fresh hecatomb of victims aroused them from their false security. He ventured to hope, therefore, that the House would not refuse to accede to the terms of his Motion, for he was sure hon. Gentlemen, whether they sat on this side or whether they sat on that, must agree that the frequent recurrence of these dreadful accidents rendered it more and more clear every day that those who worked in coal mines ought to be protected by every enactment, and surrounded by every safeguard, the Legislature could devise; for their case appeared to him to differ from that of any other class of persons who under the primeval sentence of their race, “had to eat bread by the sweat of their brow.” The collier did not carry on his work in a commodious, airy, well-ventilated, comfortably-heated, modern, textile factory, where the risk of loss to life or limb was really infinitesimally small; but under circumstances of the greatest danger—and where? Why, far away beneath their feet, in the very bowels of the earth, in perfect darkness, exposed to numerous accidents from fire, water, deleterious gases, and other causes too numerous to mention. In short, he carried, as it were, his life in his hand, and not his own life only, but the lives also of hundreds of his fellow-workmen; and one instant's thoughtlessness, one instant's carelessness, rashness, recklessness—call it what they would—might be the means of consigning both himself and them to a sudden and untimely end. He begged to thank the House for the consideration it had extended to him. He had no personal object whatever in bringing the subject forward, still less did he de-

*Mr. Sidebottom*

sire to throw obstacles or difficulties in the way of colliery proprietors. He was an owner of colliery property himself, and also an extensive consumer of coal; but he made the Motion solely and entirely in the interest of a large portion of his constituents, and because he honestly and sincerely believed some change in the present system of inspection to be most imperatively required.

COLONEL LEIGH, in seconding the Motion, said, that scarcely a month passed without some colliery accident occurring, and that their very frequency familiarized people with them and prevented them from fully appreciating their enormity. They had got so accustomed to hear of them that they did not take those precautions to prevent them which lay within their reach. The accident to which his hon. Friend called the attention of the House was most lamentable, and unhappily not one of very rare occurrence, and something should be done at once to prevent them wherever it was practicable. His (Colonel Leigh's) opinion was, that colliery proprietors ought to be made to pay all that was necessary in order to make their mines safe. Coal had been very dear, and the coal proprietors had been making enormous fortunes. The least thing in return that the coalowners could do was to spend every farthing that was required to make their collieries as safe as possible.

#### Amendment proposed,

To leave out from the word “That” to the end of the Question, in order to add the words “an humble Address be presented to Her Majesty, praying that She will be graciously pleased to issue a Royal Commission to inquire whether a better system of colliery inspection can be established, with a view to prevent deplorable accidents in collieries,”—(*Mr. Sidebottom.*)

—instead thereof.

Question proposed, “That the words proposed to be left out stand part of the Question.”

Mr. M'DONALD said, he thought anyone would excuse him when he said he had a very strong desire to see that the lives as well as the limbs of the working miners of this country should be protected, and he would most heartily support the proposition made by the hon. Member in favour of a Royal Commission, if he saw that such a proposal was going in any way to promote that

object. But he recollected that two years ago that House, after the gravest consideration, passed a Bill which contained certain stringent resolutions and provisions, and those stringent provisions, he ventured to say, if they had been carried out, would have prevented the occurrence of this disaster. He therefore thought the House should impress upon the Government the necessity of seeing that the Acts which had been passed by it were carried out, and when those Acts were seen to be defective, then would be the time to ask for the appointment of a Royal Commission to inquire into such disasters as these. In his opinion they did not want Royal Commissions to inquire into mine disasters. What they wanted was, that these accidents should be prevented, and Royal Commissions would not do that. If they took the Inspector's Report with regard to that particular accident, they would find that on the face, and in the body of it, gross neglect was proved to have existed, and neglect of such a character that no Royal Commission could prevent it. The Inspector said he had long been of opinion that the ventilation of the mine had been very defective, and had expressed his opinions; but although he considered the mine dangerous, he did not think that danger so imminent as to justify him in going to the extreme length of arbitration. What did the law say? Why, it said that the gas in every mine should be diluted, and so rendered harmless. Had that been done in the present instance there would have been no accident. Reference had been made to naked lights, but no naked lights would cause an explosion, if the law were properly carried out. All that being true, he repeated that there was no need of a Commission. What was needed was, that the Home Office should instruct the Inspectors that where they found defective ventilation, they should direct the attention of the owners to it, and see that it was remedied, under pain of being prosecuted. The result, he had no doubt, would be entirely satisfactory. He should most willingly support the proposition for a Royal Commission; but while he felt desirous that the miner should be protected he saw no use in going to the expense of a Commission.

MR. HERMON said, he had received a mass of information upon the subject, and the conclusion he had arrived at

was, that the question could not be satisfactorily dealt with by a Royal Commission. But from the conflict of opinion which prevailed upon the subject, he quite agreed that it demanded the assiduous attention of the Government. He was very thankful to the hon. Gentleman for having called the attention of the Government to it, which was all that could be done, as he presumed the Motion could not be carried that evening; for, if it were, Supply could not come on. The hon. Member for Stafford had referred to the diluting of the gas; but he ought to have known that it was not always practicable to do so. He hoped the Motion would not be pressed, but that the hon. Member who moved it, would be content with an assurance from the Government that the laws would be imperatively carried out, for in his (Mr. Hermon's) opinion, that was the only way of effecting any improvement.

MR. MELLOR said, that the general opinion of those who were most acquainted with the working of collieries was, that the work of inspection, as at present carried on, was a perfect farce. It was costly; it produced no beneficial results; and it ought to be conducted differently. The Motion of the hon. Member for Staleybridge had been rather misunderstood. It was not intended so much to inquire into the cause of the accident at Astley Pit, as to see whether or not the present system of inspection could not be improved; and with reference to it, he believed that, if an inquiry were made, almost all colliers could point out the mode by which these accidents might be prevented. He himself knew a Colliery Inspector who had not been down a particular pit for the last 35 years. How was it possible for Inspectors under such circumstances to be able to know what was the condition of the ventilation of a mine? He sincerely hoped that some change would be effected, and with that view, should support the hon. Gentleman's Motion.

MR. ASSHETON CROSS said, he also had to thank the hon. Member for Staleybridge for having brought the matter before the House. He knew it was a matter on which the hon. Member had for a long time taken a deep interest, and the careful way in which he had studied it, was shown by the able way in which he had brought it before the House. When this unfortu-

nate accident occurred, he (Mr. Cross) stated in the House that a most full and most searching inquiry should take place into the causes of it. As to the jury who had inquired into the matter, he believed that no jury could have carried on that inquiry more carefully or more ably. In their verdict, they said the primary cause of the explosion was the blocking up the mouthing leading to the Smithy mine, and that that was an act of gross ignorance or culpable negligence. The jury found that the secondary cause of the explosion was the unsafe condition of the Half Moon Tunnel owing to insufficient timbering. There was evidence, moreover, that the Astley Deep Pit had been for a certain period "in a state of complete anarchy owing to the interference of Mr. Benjamin Ashton and his constituting conflicting authorities in the mine." The jury also found that there was distinct evidence as to the employment of incompetent persons and placing them in authority. They added— "The evidence of the authorities in the pit has been given with great hesitation, and with an evident desire to conceal important facts." If a coroner and jury found that difficulty, the House would see how much more difficult it was for the Inspectors of Mines to get the information necessary to enable them to deal with these cases and prevent accidents. The most important portion of the verdict was that in which the jury desired to express "their strong opinion that the present system of inspection is imperfect, and requires full inquiry, with a view to amendment." He agreed that the subject of inspection did require considerable investigation with a view to amendment; but at the same time, he thought there were two dangers which would require to be guarded against when taking that course. He meant that it should not be made so slight as not to form any check upon the managers, but, on the other hand, the House would not wish to put the whole responsibility for mining accidents on the Inspector. It would be most undesirable to shift the responsibility from the shoulders of the owner, who made the profit and worked the mine. Upon the whole, he did not think that a case had been made out for the appointment of a Royal Commission. Parliament had instituted already many inquiries on the subject.

*Mr. Assheton Cross*

Select Committees sat in 1865, and again in 1866 and 1867, and had fully reported on the subject. The whole subject was afterwards fully discussed when the Mines Act of 1872 was passed, and a sufficient interval had not yet elapsed to judge of its operation. He would, however, on his own responsibility undertake to go through the question carefully during the Recess, to see whether some fresh regulations could not be laid down, so that, without removing the responsibility from the owner, which he for one would never consent to do, some further guarantees might be obtained that all due precautions should be taken against accidents in mines, and that the very large sum of money expended on the inspection of mines bore the fruit it ought to bear. That pledge he would redeem as fairly as he could next Session.

MR. SIDEBOTTOM said, that after the satisfactory assurance of his right hon. Friend, he would not press his Motion.

Amendment, by leave, *withdrawn*.

#### POST OFFICE.—WICK AND THURSO MAILS.

##### MOTION FOR CORRESPONDENCE.

SIR TOLLEMACHE SINCLAIR in rising pursuant to Notice,

"To move for a Copy of the Correspondence between the directors of the Highland and Sutherland and Caithness Railway Company and the Postmaster General on the subject of the arrangements for the transmission of the mails from Helmsdale to Wick and Thurso, and to call attention to the very serious inconvenience and loss which will result to the counties of Sutherland, Caithness, and Orkney, if the Post Office authorities persist in the determination which they have expressed, not to continue the present mail service beyond Helmsdale, but to send the mail bags by ordinary trains as parcels,"

said, the directors of the Highland and Sutherland and Caithness Railway Company had applied to the Post Office authorities to know what arrangements they desired to make for the transmission of mails on their line, and the answer they received was, they intended to send the mail bags as parcels by the ordinary trains; and on a subsequent occasion they informed them that not only did they not intend to improve the mail service, but that they intended to discontinue the sending of the mails from

Helmsdale to Wick and Thurso. In consequence of that, he asked a Question of the Postmaster General, and received what he must characterize as an evasive and unsatisfactory reply. The answer was, that there was no information before the Post Office that the line was open, and that they were not able to state when it would be open. Now, in answer to that, he had to state that he had received a telegram to say that the line had been opened; that it had been passed by the Government Inspector; and that to-morrow morning the trains would run. The inhabitants of the district had a right to expect that when the line was opened, there would be an improvement in the mail service, and the directors of the Highland, Sutherland, and Caithness Company offered to undertake to run the trains at a speed that would ensure the delivery of the mail the following night after it was despatched from London, and thus it would have been accelerated by 24 hours. But under the arrangements which had been made, instead of an acceleration, there would be a retardation. It was notorious that no train could be run on Sunday without loss, unless it received a Post Office subsidy; and as this railway simply was to receive no subsidy, the result would be that the district would be deprived altogether of the Sunday mail. The Post Office authorities would be compelled to run a coach by the side of the railway on Sundays, which would involve a delay of several hours. Now he was sure that it was not the opinion of the House or of the country, that the Post Office service should be deteriorated. If the Post Office were to lay down the principle that no Post Office accommodation could be granted which could not be paid for out of the postal receipts of the district, then hundreds of districts must be deprived of it. But that had not been the guiding principle of the Post Office administration of this country. The Government undertook the safe delivery of registered letters and packets, and was it right that such valuable things as the contents of registered letters should be sent in ordinary parcels by train? He thought that was not the way in which the service of the Post Office of this country should be conducted. He trusted that the Government would

make no difficulty in producing the Correspondence that he moved for; but he must say he thought some attention should be called to the course which the Post Office authorities had adopted, not only in this, but in other districts. He found by the Report of the Royal Commission on Railways, that a town in Hampshire was deprived of a day post for nine years, because the railway company demanded the extortionate price of 8*d.* a-day for conveying the bag, the Post Office authorities thinking that 4*d.* a-day was sufficient. He found that on other occasions, the Post Office authorities had expressed opinions with reference to the rates at which the mails should be carried, which appeared to him to be most unjust to the railway companies. For instance, they said that the mail bags should be conveyed for a halfpenny per hundredweight. If these were the pretensions of the Post Office authorities, it was not to be wondered at there should be great difficulty in making arrangements between them and the directors of the different railway companies. The directors of this company merely wished that the terms on which they should carry the mails should be put to arbitration, and he did not know why the Post Office authorities should refuse so reasonable a proposition. The hon. Baronet concluded by moving for the Correspondence set forth in the Notice.

#### Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "there be laid before this House, a Copy of the Correspondence between the Directors of the Highland and Sutherland and Caithness Railway Company and the Postmaster General on the subject of the arrangements for the transmission of the mails from Helmsdale to Wick and Thurso,"—(*Sir Tullamack Sinclair*.)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

LORD JOHN MANNERS said, he had had the pleasure of reading in the columns of a morning paper the speech just delivered in the form of a letter; but there was one sentence in the letter which was omitted from the speech—he meant that in which the hon. Baronet said he preferred writing a letter to a newspaper to delivering a speech in the House of Commons.

SIR TOLLEMACHE SINCLAIR denied that he said anything of the kind. What he said was, that the pressure of Public Business would probably prevent him from saying what he wished to say in Parliament.

LORD JOHN MANNERS continued : At all events the hon. Baronet wished to have two barrels to his gun, and one of them had just been fired off. He had no objection to produce the Correspondence which had been moved for. The contract which the hon. Baronet referred to expired naturally, and of itself, and a notification to that effect was given in the course of last autumn. With regard to the statement in the letter to which he had just alluded, that the conduct of the Postal Department must have originated in the animosity which the present Government felt against the three northern counties of Scotland in consequence of the character of their representation in the House of Commons—

SIR TOLLEMACHE SINCLAIR : Sir, I rise to Order. The Postmaster General has no right to allude to what is not before the House.

MR. SPEAKER ruled that the remarks of the Postmaster General were relevant.

LORD JOHN MANNERS said, such a motive as that which was attributed to them could not possibly have actuated the Government, the notice having been given by that distinguished Representative of North Britain, the late Postmaster General. If, however, any real difficulty of a grievance were felt under the Act of last Session, the Post Office would not object to a reference to arbitration. The main point of the hon. Baronet's speech was, that there should be arbitration, and the Post Office would not object to that course. As regarded the conveyance of mails by ordinary passenger trains, he might observe that that had been done in the case of the mail services from Manchester, Birmingham, and other large towns of England and Ireland, and he could not for the life of him understand why it should not be satisfactory in the case under consideration. What the hon. Baronet appeared to desire did not seem to him (Lord J. Manners) of the slightest practical importance. The main delivery of letters at Wick and Thurso must still take place early in the morning, and the increased cost to the public

would be of no advantage to those towns. The only result would be the payment of a very considerable subsidy for a special mail service. The Postal Department was of opinion that the circumstances were not such as would justify such a payment, especially as without it the mail service could be conducted with regularity and efficiency.

SIR TOLLEMACHE SINCLAIR said, the Postmaster General had not informed the House by what means the Sunday mails were to be conveyed. As a director of the Highland, Sutherland, and Caithness Railway, he could state that his brother directors were determined that no train should run on Sundays.

LORD JOHN MANNERS said, he must leave the hon. Baronet and his colleagues to settle that question with the Company.

#### THE JUDICATURE BILLS—POSTPONEMENT.—QUESTION.

SIR WILLIAM HARCOURT asked the Government to give some further information as to the reasons which induced them to postpone the measures with reference to Law Reform. Those Bills were down on the Paper for that evening, but he supposed it was with the intention of discharging the Orders. Last year a measure was passed by Parliament relating to the Appellate Jurisdiction, which should have come into operation that year. However, not only had they made no progress in law reform that year; but if they discharged these Orders they would be making progress in the fashion of the crab, because they would be going backward, and postponing the action which they had matured last year. No one desired to interpose a single obstacle to the passing of such a measure as would allow the English Act of 1873 to come into operation this year. That Act was very carefully framed, and was only passed after very careful deliberation, and there were Rules to be made in accordance with it. He believed those Rules had been prepared and laid before Her Majesty, and therefore he saw no reason why the Act should not come into operation. He was not surprised that the Government did not proceed with the voluminous Irish Bill in the face of the Irish difficulties; but that Bill was altogether outside the corners of the Act



of 1873. Surely, then, they might go on with the Act of 1873 as far as it affected England, or, at all events, in reference to the inferior Courts. They were making a retrograde step in law reform, which was not a very creditable thing for a new Parliament to do. The postponement of the Judicature Bill was worse than the Massacre of the Innocents—it was the murder of an adult. He hoped some better reason would be given for not proceeding with the Bill than they had yet had. Why was it to be done? It was not because of any factious opposition from his side of the House. They were anxious to give every assistance in passing that Bill, that the Act of 1873 might come into force. If the new Rules were laid on the Table, they might pass the Bill with the necessary alterations through Committee in a very few hours, and then they would not hang up that important system of law reform.

THE ATTORNEY GENERAL said, he was quite content to accept the observations of his hon. and learned Friend as having been made in no spirit of hostility, but with a desire to aid the Government in their proposed legislation, if they could see their way to carry it through. There were five Bills among the Orders of the Day, three of them having reference to the transfer of land and two to the system of Judicature. As to the first three, his hon. and learned Friend had not suggested that they should or could be proceeded with. He (the Attorney General), however, would rather limit the observation to that which formed the subject of the first Order of the Day, because, though there were three Bills relating to Land Titles and Transfer, it was the first which was the important one; it was a long Bill, which would doubtless occupy much time whenever it was dealt with in Committee. It had, however, been very fully discussed on the second reading, and a variety of suggestions had been made, which would assist them greatly in dealing with it on a future occasion. With regard to the two other Bills, the Real Property Vendors and Purchasers Bill, and the Real Property Limitation Bill, there was no substantial opposition in the House to them, and they might perhaps be carried through with the assistance which he was sure he should receive

from his hon. Friends; he should certainly endeavour to pass them. If passed, they would effect a valuable improvement in the state of the law, and also render it more easy to deal with the subject of land transfer in a future Session. He now came to the other two Bills, with respect to Judicature. Although his hon. and learned Friend had spoken of the Act of last year as having been passed after a great amount of deliberation, he (the Attorney General) thought it was the opinion of the majority of the House that that Act required amendment. The question was, whether the Act of last Session should be allowed to come into operation on the 1st of November next unamended, or whether its operation should be postponed until such time as those Amendments, which would make it really a valuable measure, were passed. He thought he should have the concurrence of a large proportion of the House in saying, that it was not desirable to bring the Act of last Session into operation, unless they also brought into operation the Bill now before the House. If the Act of last year came into force alone, they would have the House of Lords no longer continuing as a Court of Appeal for English cases, but continuing as a Court of Appeal for Irish and Scotch cases. That, he thought, would be extremely undesirable, for many reasons, which he need not now particularly mention, and there was no question that the Act of last year was passed on the faith that, before it was brought into operation, another Bill would be passed, which would enable the appellate jurisdiction in Scotch and Irish cases to be removed from the House of Lords to the Imperial Court of Appeal. His hon. and learned Friend suggested that they could strike out of the Judicature Bill the reference to Scotland and Ireland; but, if they did that, they would have the Judicature Act of last Session coming into force, abolishing the House of Lords as a Court of Appeal for English cases, but leaving it still a Court of Appeal for Scotch and Irish cases, the undesirableness of which he had already adverted to. The House was aware that the present Bill, as far as regarded the removal of the appellate jurisdiction of the House of Lords in Irish matters, was very strongly opposed

by a large number of the Representatives of Ireland in that House. The observations made by those hon. Gentlemen, in the course of the discussion on the Bill, and the Amendments they had put on the Paper, clearly showed that they intended to oppose the proposal to do away with the appellate jurisdiction of the House of Lords in Irish matters. Again, it was not desirable to carry that portion of the amendment of their system of judicature which would create a new Court of Appeal, as far as regarded Irish cases, when they were not able to proceed with the other Judicature Bill, the effect of which would be to re-arrange and improve the whole system of judicature in Ireland? He thought the whole scheme ought to go together, and it was quite clear that there would be no chance of their passing that Session the second of those measures, the Court of Judicature (Ireland) Bill. Therefore, because it was not desirable to alter the Ultimate Court of Appeal, as far as Ireland was concerned, unless they also altered the whole form of procedure in Ireland; and, likewise, because it was not desirable to bring the new appellate tribunal into operation as far as regarded England until it was also brought into operation for Scotland and Ireland—on both or either of these grounds, it was unadvisable to proceed with the Bill to which his hon. and learned Friend particularly referred. The Government, and he personally, had been very desirous that the Bills to which he had referred should be passed, and they had hoped that they would have had an opportunity of passing them; but he was bound to admit that, within the last few days, he had had communications from several of his hon. Friends who represented Irish constituencies, which made it perfectly clear to him that there was no prospect, within any reasonable duration of the present Session, of carrying either of those measures, and therefore he thought the course the Government was pursuing was the only one they could adopt. As to the charge of the Session being wasted, it should be remembered that the present was not a Session of ordinary duration; the time at the disposal of the House had been much curtailed by circumstances over which they had no control. He did not believe, however, that the time spent in the discus-

sion and consideration of those measures had been lost, and he trusted that in the ensuing Session an opportunity would be given them for effecting that amendment and reform of the law which they all desired.

#### COLONIAL OFFICE—THE OFFICIAL STAFF.—QUESTION.

Mr. LOWE said, he wished to put a Question of which he had given Notice to the Chancellor of the Exchequer. Up to 1867—that was during the time when the Colonial Office administered the government of all the colonies of the British Crown—the staff of that office consisted of one Secretary of State, one Parliamentary Under Secretary, a permanent Under Secretary, and one Assistant Secretary. In 1867, Sir Henry Holland was appointed as legal adviser to the Colonial Office at a salary of £1,000 or £1,200. In 1870 Lord Granville applied to the Treasury to turn the appointment of legal adviser into an assistant Secretaryship, pointing out that there was not sufficient work to occupy the legal adviser's time. That change was agreed to on behalf of the Treasury, and Sir Henry Holland was appointed as a second Assistant Secretary at £1,500 a-year. With that he believed there was no fault to find. The next step was, that less than two years ago, it was necessary to place the Colonial Office under the new Order in Council with regard to competition, and the office was rather weakened at the lower and strengthened at the upper parts, a third Assistant Secretary being appointed; so that whereas when the Colonial Office governed all the colonies it had only one Assistant Secretary; now that the colonies governed themselves, it had three. Moreover, the Home Office, which governed England, and had something to say to Scotch and Irish affairs, had no Assistant Secretary at all. If that third Assistant Secretary was unnecessary, there was not only a waste of £1,500 a-year, but the arrangement was fraught with other evil consequences, because the Parliamentary officials were relieved from the proper work of that office, and were only "crammed" for particular cases. Thus they lost a most powerful and useful means of educating future statesmen. The right

hon. Gentleman concluded by asking Whether the Chancellor of the Exchequer would explain why a third Assistant Secretary had been appointed to the Colonial Office, although the number and salaries of the persons employed in that office were settled by agreement between the Treasury and the Secretary of State on very liberal terms less than two years ago?

THE CHANCELLOR OF THE EXCHEQUER said, the appointment had been made, because it was very strongly represented to the Treasury by the Secretary of State for the Colonies, that though the establishment which had been arranged for the Colonial Office was strong enough in the clerical department, the secretariat, and particularly the legal branch of it, was not sufficiently strong for the duties it had to perform. It had also been strongly urged upon the Government that the duties of the office could not be effectually discharged without further assistance. The fact that certain of our colonies were self-governing had in some respects increased, rather than diminished, the amount of correspondence and the difficulty of questions arising between the colonies and the mother-country. It was comparatively simple to arrange questions in which the Crown was supreme, but not so easy when—as in the case of the Dominion of Canada, for instance—the colony had almost the power of an independent State. In such cases assistance of a superior character was required, and an efficient staff was necessary in order to secure despatch and accuracy. Therefore, when the Earl of Carnarvon asked for the extra assistance, the Treasury took into consideration the recent re-organization of the Department, and it occurred to them that the salaries paid to the principal clerks were such that the holders of the offices ought to be able to render such assistance as would make it unnecessary to add to the secretarial staff. The answer was, that the gentlemen likely to fill the offices of principal clerks would not possess the legal qualifications necessary to meet the case. The Treasury, while disappointed at the fact that the re-organization of the Department had not strengthened the office to the degree that was expected, were not prepared to take the responsibility of refusing the assistance which Lord Carnarvon said was necessary; but at the

same time they expressed an opinion that the re-organization ought to be reconsidered, especially in reference to the appointment of principal clerks. They had in consenting to the increase now asked, stipulated that the fourth principal clerkship should not be filled up till the total cost of the office had been reduced by a certain amount, and that no one of the offices should in future be filled without a special reference to the Treasury, who should consider whether the appointment was necessary.

SIR HENRY JAMES said, he wished before the House went into Committee, to express his opinion that the Attorney General's explanation of the course of the Government in reference to the Judicature Act and the Amendment Bills was very unsatisfactory. The whole statement amounted to this—that there was not time in the present Session to pass the Amending Bill; but if that was so, the Government was alone responsible. The Bill was one of the measures mentioned in the Speech from the Throne, and as late as the 8th of June, the Prime Minister mentioned it as one of those which the Government intended to press forward and pass this Session. The fact, however, was, that the Government had preferred to push forward legislation in reference to which no promise had been given, and to drop that which the House and the country expected to see proceeded with. Already the House had dealt with the greater part of the Bill in Committee, and if it was to be dropped, the time had been wasted. As he had suggested on Saturday, there would be ample time to pass the Bill by the 10th or 12th of August, if the question as it affected Ireland was postponed until next Session.

THE ATTORNEY GENERAL FOR IRELAND (Dr. BALL) contended that the last suggestion of the hon. and learned Gentleman could not be carried out. The Bill was not intended to amend the Act of last year, but to constitute one Imperial Court for the Three Kingdoms, and it was of great importance that that Court should be constituted by one Bill, and not by separate measures. He objected to any discussion or consideration of the question of the appellate jurisdiction separately for England.

SIR HENRY JAMES observed that he had not suggested that the cases of the three countries should be taken sepa-

rately. If the amending Bill were proceeded with, the Imperial Court which it proposed would be a perfectly good one, without reference to the Judicature of Ireland Bill.

THE ATTORNEY GENERAL FOR IRELAND (Dr. BALL) said, there was a proposition made by the hon. and learned Member for Oxford, that the clauses relating to Ireland should be left out; but that was impossible, because, in whatever manner the Imperial Court of Appeal was constituted, it would remain the final Court for all three countries, and therefore although Ireland might at present be omitted, its form and character yet were of vital importance to Ireland. He could not assent to the suggestion that a Bill relating to this country should be passed, even with the undertaking that it should be afterwards extended to Ireland and Scotland. When the Government came to appoint the Judges of the Imperial Court, they must be influenced by the consideration whether appeals from Ireland and Scotland were to be disposed of by it. They could not proceed with the Bill, therefore, under the idea that it was one in which the Irish Members had no interest. That being so, the questions which arose on the several Amendments on the Paper—and some of them were of great importance—must be discussed, and it was obvious that they could not be adequately considered at this period of the Session.

MR. BUTT rose to address the House, when—

MR. SPEAKER said, he must remind hon. Members that to discuss the provisions of a Bill on the Question for going into Committee of Supply was irregular.

MR. THOMSON HANKEY, referring to the statement of the Chancellor of the Exchequer with respect to the Colonial Office, said, that the arrangement proposed would work injuriously to the clerks in the office, who had a right to expect preferment in the order of their appointment. A slur would be cast upon their character, if they were passed over and a gentleman from another Department promoted over their heads.

SIR HENRY DRUMMOND WOLF hoped the Government would not act upon the economic suggestion of the right hon. Gentleman the Member for the University of London. The office

in question was not overmanned, and when the alterations which had been referred to were made, the offices of chief clerk and *précis* writer were abolished, and no additional expenditure had been entailed. He hoped the Chancellor of the Exchequer would reconsider the answer he had given to the Colonial Office, and that he would not tie down the additional Under Secretary with any economical suggestions.

MR. McLAREN said, with reference to colonial matters, he had the honour of being a Member of the Committee that received evidence on the subject. The hon. Member who had just sat down had stated that he believed that no additional expense was incurred in the reconstruction of that office. Well, he (Mr. McLaren) remembered that the evidence given before the Committee showed that there was a small addition to the expense; but it was alleged that the benefits were so great of the supposed reconstruction, that eventually savings would arise therefrom, and the Committee, although with some apparent reluctance, did not report upon that subject. But the Committee were at the same time told that in order to effect the so-called economical reconstruction or arrangement, two gentlemen had agreed to retire, though the witness could not tell them what were to be the retiring allowances. He found, however, by the Papers before the House, that one of those gentlemen (Sir George Barrow, Bart.) retired on £1,063 13s. 4d., and the other (Sir Henry Taylor) retired on £1,160; so that, first of all, there was a small increase in the expenditure of the office, even as reconstructed, and then there were those two sums amounting to £2,200 as an additional expense, and now there was a third additional expenditure by the officer now appointed—an appointment which the Committee were led to think would not be necessary. He thought it right that the House should know those circumstances as regarded the retiring allowance.

Question put, and *agreed to*.

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to*.

SUPPLY—SUPPLEMENTARY  
ESTIMATES.

SUPPLY—considered in Committee.

(In the Committee.)

(1.) £170,000, Supplementary sum, Rating of certain Government Property, &c.

MR. FAWCETT said, he hoped that before the Vote was agreed to, the Chancellor of the Exchequer would give some explanation with respect to the Supplemental Estimates. The Committee were called upon to vote something like £600,000 on those Estimates, and yet, according to what he had said in the course of his Financial Statement, the right hon. Gentleman had estimated the surplus for the year at £350,000, and since that statement had been made, the Revenue Returns, according to his own admission, had not exceeded his expectations. He therefore wished to know from the right hon. Gentleman what he had in the shape of additional Revenue to set against these Supplemental Estimates, so as to prevent the country having to face a deficiency in its finances at the end of the year? As he understood the matter, the Committee was to be called upon to vote £350,000 towards the local expenses for the police, and £250,000 towards the local expenses for lunatics; but next year those sums would be doubled, and the result would be that unless the Revenue far exceeded their expectations, a very serious and important deficit would have to be met. It seemed to him that in calling upon the Committee to vote these Supplementary Estimates, the right hon. Gentleman was adopting the dangerous principle of promising certain remissions of taxation, the full effect of which would not come into operation during the present financial year. He wished it to be distinctly understood, however, that in voting the present Estimates he (Mr. Fawcett) was not pledged to the practice of making grants from the Imperial funds to local purposes. He looked upon such a practice as mischievous, and he believed it was fraught with future evils to the country. Further, he thought they were about to vote money which in the present state of the Revenue they could not properly afford.

MR. THOMSON HANKEY thought that the Chancellor of the Exchequer had given a perfectly satisfactory expla-

nation of the point raised by the hon. Member for Hackney on a previous occasion, when he showed that there was no probability of their being any excess of expenditure over revenue, even after these Supplementary Estimates had been taken into account. He must, however, enter his protest against the general idea that all Government property should be rated, without their knowing exactly what they were about. They had no Papers before them to show in what way the local taxation was to be relieved; they only knew that £170,000 was to be paid in aid of that taxation. It was clear that that money was paid by the whole nation; but who was to receive the benefit of this expenditure? His own opinion was that, in most instances, the benefit derived from the presence of Government property in a locality outweighed any injury sustained by reason of its exemption from rating.

MR. BOORD said, the question of the taxation of Government property having been decided last year, the hon. Member for Hackney ought not to attempt to re-open the question now. He (Mr. Boord) could assure the hon. Member for Peterborough (Mr. Hankey) that in his borough, the neighbourhood of Government property was a disadvantage rather than an advantage to the locality, the rates being enormously increased by the wear and tear of the roads caused by the transit of heavy guns and materials, by injury to the drains, and by the increase of pauperism consequent upon the number of persons employed in the Government works. He suggested that by taking a percentage on the cost of construction, a basis of assessment might be easily obtained for rating such public property. On a previous occasion, when the question was before the Committee, he understood the Government to have pledged themselves to place the matter on a permanent footing at the first opportunity.

MR. SCLATER-BOTH said that that was their intention.

SIR EDWARD WATKIN said, before the Vote was taken, the Committee ought to know what the Government were going to do with the money. Here was a large sum of £170,000 to be voted by the House, and yet nothing had been stated as to its disposal. There might be Gentlemen on that (the Opposition) side who had made themselves obnoxious and whose constituents would get very

little, while those of other Gentlemen would get a good deal. It was a very dangerous precedent to vote money in this way *en bloc*, without being told on what principle it was to be distributed.

MR. SCOURFIELD said, that the hon. Member had forgotten that the Budget speech distinctly provided for this Vote.

THE CHANCELLOR OF THE EXCHEQUER: The hon. Member for Hackney (Mr. Fawcett) has put a Question which he would hardly have put had he been a Member of this House at the time the Budget was brought forward, because then he would have remembered that the financial arrangements were founded on the proposals to which the Committee is now asked to give effect. We included in the calculations for the year a certain amount of expenditure for purposes embraced in these Estimates which are called, and which, to a certain extent are, Supplementary; but as far as they relate to the Vote in aid of local contributions for police and lunatics, now under consideration, they are not truly Supplementary Estimates, but are part of the regular financial arrangements. Therefore, when the hon. Gentleman says we are asking for a large sum which goes beyond the margin provided for in the Budget, and that he does not see how that large sum is to be found, he is mistaking the character of the arrangements for the year. Now, those hon. Gentlemen who were present when the Financial Statement was made are aware that the Statement was of this character. Certain taxes were remitted and certain arrangements made, and then it was stated that it was the intention of the Government to propose that various sums should be voted in aid of local taxation. These sums were to be applied partly to the expense of the police, partly of pauper lunatics, and partly in the nature of an addition to the contributions made for Government property; and the amount it was proposed to take for these purposes came to £1,010,000. Taking the Revenue and Expenditure as then estimated, and calculating that part of the Expenditure to which I have just referred at £1,010,000, I reckoned there would remain a surplus of £462,000. Of course, if the Revenue falls short, that surplus will not be realized. I have no reason to fear that the Revenue will fall short. At all events, that is a ques-

tion which I do not discuss, and the hon. Gentleman does not raise it. Well, then, how are we to meet the expenditure which we are called upon to defray? With regard to this expenditure, if we called upon the Committee to vote £1,010,000, the surplus would remain as it was estimated, £462,000. But we are not asking the Committee to vote so large a sum. Instead of £1,010,000 we are asking the Committee only for £706,000 for the three items which I have mentioned. The amount in aid of local rates for Government property is £170,000, the same as the Budget Estimate. The amount for police, instead of being £600,000 as at first estimated, is only £315,000; and the amount for lunatics, which I estimated at £240,000, is now £221,692. We are therefore asking only £706,692 instead of £1,010,000, being a difference of £304,000 in our favour. Instead, therefore, of the surplus being £462,000, as was anticipated, we have a margin of £766,000 for the present year to go upon. But out of that we have had to ask for some strictly Supplementary Estimates—£150,000 for the Navy; in fact, about £369,000 altogether in the way of additional Estimates. So that out of our margin of £766,000 we are going to take £369,000, which will leave us still with an anticipated surplus for the present year of £397,000, or within £3,000 of £400,000. That can hardly be considered an unsatisfactory provision for a Session like the present. We have noticed in former years that the surplus estimated at the time of the Budget has been materially diminished by Supplementary Estimates, and if we are able to close the year with an anticipated surplus of some £400,000. I think we are not in an unsatisfactory position as far as this year is concerned. The hon. Gentleman, however, very truly says—"Though you are levying a surplus for the present year, you are making a very heavy draught on the next year." I admit that is an observation to a great extent justified. On the last occasion of a financial discussion in this House a week or two ago, the hon. and learned Member for Oxford (Sir William Harcourt) made a remark about my having asked in the Budget Statement for £600,000 for the police, whereas I expected that a considerable portion of that sum would not be required until next year. That is true; but I was not

sure at the time how much would be required; and I was anxious that the House should bear in mind that in asking for those Votes we were asking for something which would not only exhaust the money at our command this year, but would make a demand on next year. Now, I am not afraid, as far as I can judge, if everything goes on reasonably, and we are fairly prosperous, that the surplus of next year will be insufficient to meet the charge which we are throwing upon it. But, at the same time, I frankly own that it may be necessary next year to consider our position, and to see whether any further arrangements may be required with a view to make the finances of that year entirely satisfactory. If there should be any grounds for an increase of expenditure; if we should see any reason to expect a declining Revenue; if we should think it desirable to make any change in taxation, with a view to the relief of local burdens, or take any other steps, the Government would be prepared to make the necessary proposals. But, supposing we make no change at all next year, that our expenditure continues as it is at present, and that there is the normal increase of Revenue, we may fairly expect that what we ask the House to do this year and to undertake for next year will be easily done. My hon. Friend the Member for Peterborough (Mr. Hankey) has made some remarks with which I cordially coincide. I think the House ought very carefully to consider how far it ought to go in the way of making contributions to local taxation and local rates in places where the Government has property. The question, however, is one of very great difficulty. The hon. Member for Hythe (Sir Edward Watkin) says—"I cannot trust the Government. I don't know what they may do with this money, and it would be better to leave the matter to the ordinary rating authorities." I do not know that. I feel sure that if the ordinary rating authorities in places to which the Government property gives their value, were called upon to say what the Government property should contribute, they would take care to make it pay, as the saying is, "both in meal and in malt." They would get their own property enhanced by the presence of Government property, and a good slice besides from the public in aid of their

rates. Therefore, it is exceedingly difficult to lay down any such general rule as the hon. Gentleman suggested. We are, therefore, obliged to ask the Committee to do for this year certain things done in former years. We are not in this matter proposing anything new, for the principle is the same as that upon which the sum of £63,000 has, for several years, been applied with certain limitations to contributions in regard to Government property. The limitations were, in effect, that the contributions were only to be made in the case of the Government property amounting to about one-sixth in value of the whole property of the parish, and that the contributions should only be made in proportion to that one-sixth, in respect of that portion of the rates which is expended in the *bona fide* relief of the poor. We propose to do two things. In the first place, we propose to do away with the limit of one-sixth, and to say that the Government contributions shall be given in all cases where the Government have any property in a parish; and next, we propose that they shall be given not only in aid of the poor rate proper, but in aid of the local rates generally. Then, the mode in which the payments are to be made will not be according to the discretion of the Treasury as heretofore. A Minute has been passed by the Treasury, and laid upon the Table of the House about a month ago in reference to this subject. It proposes that the payments should be made in the manner therein described, and that as soon as possible, a Return shall be completed and laid before Parliament, setting forth the name of every parish in which the Government occupies property, the rateable value of the parish, exclusive of such property, the value and character of such property, and any special Acts of Parliament which may be applicable to each case. With such a Return as that before them, Parliament will be able to exercise a sufficient control, and to hold the balance fairly between the two parties. Let the hon. Gentleman remember there are two parties in this case. There is, in point of fact, always a possible danger of what the hon. Gentleman is afraid of—namely, something in the nature of a job or of unfair expenditure of public money on the part of the Government. But, on the other hand, there is a much greater danger of the

application of public money by local authorities unduly and unfairly; and what Parliament ought to be especially jealous of is, the application of this money, which is entrusted to the Treasury, in undue proportion in aid of any particular locality. However, with such Returns as those, and with the control which the Auditor General and hon. Members who take an interest in finance may exercise, there will really be little fear of the Government going astray. I think I have now answered all the questions that were put to me, and I can assure the hon. Member for Hackney, there is no fear that in voting this money we are going beyond the amount which Parliament has placed at our disposal in the present year.

Mr. GOSCHEN said, that in order that there might be no misunderstanding on the subject, he wished to know whether he was correct in saying that the new Supplementary Estimates which it was proposed to discuss to-night amounted to £219,000 or £220,000? In other words, did the total of £220,000 now submitted to the Committee represent the new Supplementary Estimates in addition to the Supplementary Estimates which were voted before, and which amounted to about £160,000?

Mr. W. H. SMITH said, the only Supplementary Estimate already voted was for the Navy, and it amounted to £150,000. Another Estimate of £170,000 was proposed to the House, but it was withdrawn. That was the Vote which was now under discussion.

Mr. GOSCHEN said, that therefore the total Supplementary Estimate amounted to £150,000 for the Navy and £220,000 to be proposed that evening, exclusive of what might be termed the Budget Supplementary Estimates—namely, those which were indicated to the Committee by the Chancellor of the Exchequer in his Budget Speech. As he understood the matter, while there was on the one hand about £370,000 of additional expenditure of an Imperial character; on the other, there was a saving, if it could be called a saving, of about £330,000, which would be paid less in relief of local taxation than was anticipated at the time of the Budget. The rate-payers would receive £350,000 less than they were led to expect by the Budget Speech in respect of the police, and £20,000 less in respect of

pauper lunatics. On the one hand, there was a certain increase in the Supplementary Estimates for Imperial purposes; but the Chancellor of the Exchequer had, from causes which he explained on a previous occasion, been able to save £350,000 of the sum which was to be devoted to the relief of local taxation. This saving had been effected by postponing the time when the relief would be given.

Mr. W. H. SMITH, interposing, said that was not so.

Mr. GOSCHEN understood that the ratepayers would receive so much more in the next year. This was the point on which he required information.

Mr. W. H. SMITH said, the ratepayers would neither lose anything nor would they get next year a larger sum than was promised them this year. His right hon. Friend the Chancellor of the Exchequer, in making his Financial Statement, endeavoured to make it clear that the intention of the Government was, that these additional contributions should be contributions for the financial year ending the 31st of March, 1875. It must be perfectly well known to his right hon. Friend opposite, that the amounts paid during a financial year did not necessarily represent the whole cost of that year. In point of fact, the police and the lunatics, to the expense of whose maintenance the Government intended to contribute, would be chargeable as from the 1st of April, 1874, but the whole of the accounts could not be paid during the financial year which ended on the 31st of March, 1875. The Government would pay as much as they could according to the arrangements of the local bodies. Nine months' accounts would be paid for the metropolis, and six months for the counties and boroughs. Of course, the Government could only ask for the amount which would come in course of payment during the current financial year.

Mr. RAMSAY wished that the right hon. Gentleman the Chancellor of the Exchequer would give some explanation on certain points in the Votes affecting Scotland? The Committee were called upon to vote £166,000 for the maintenance of pauper lunatics in England, and £56,000 for a similar purpose in Ireland. He did not perceive that there was any sum put down for the maintenance of pauper lunatics in Scotland. He feared



that if some explanation was not given on this point, a misapprehension might arise in the North. As they were now discussing general matters in connection with the Votes, he thought that the most convenient time to ask for information.

THE CHAIRMAN called the attention of the hon. Gentleman to the fact, that the Vote before the Committee did not touch upon the question of pauper lunatics, and suggested that it would be better to postpone the question till the Vote relating to that matter came on for consideration.

MR. FAWCETT said, he was obliged to the right hon. Gentleman for his statement, and could assure him that though he had not the happiness to be in the House when the Financial Statement was made, he had carefully studied it since, and had understood from that study, that certain of these payments had been provided for. This year the Supplementary Estimates not mentioned in the Budget amounted to £370,000. Suppose, then, that everything connected with the financial condition of the country remained the same, what was the position in which we were placed? Everything had been run so extremely fine, that, taking into account these Supplementary Estimates, the surplus would be reduced to nothing. The Secretary of the Treasury had explained that we should not have to make all the payments for local charges in the present year, but all the responsibilities would be incurred. We should owe the money, and therefore he thought his contention was just—that in considering these Supplementary Estimates, we must bear in mind that our financial position was such that we should commence the financial year with a surplus of not more than £50,000 or £60,000. The Chancellor of the Exchequer, in order to get his surplus of £450,000, had taken from his account Telegraph expenditure amounting to about £350,000. As he understood, the revenue from the Telegraphs would be £1,230,000, and the expenditure £930,000, leaving a surplus of £300,000, which, with another £100,000, would make a total of £400,000. When the revenue and the expenditure were so finely balanced, it seemed to him that the proceedings of the Government were characterized by want of caution. They had credited themselves with a certain amount of revenue on Telegraphs

account, and he (Mr. Fawcett) was informed that there were claims of between £4,000,000 and £5,000,000 under arbitration, which were made by the railway companies in consequence of extraordinary blunders committed when the telegraphs were bought by the Government. A considerable amount had been paid by the Government upon these claims, and he believed it was admitted a certain amount more would inevitably have to be paid; the arbitrators had not to consider whether anything should be paid, but only to assess the sums that should be paid. That being the case, there seemed to him to be a want of caution in not reserving a single sixpence in order to meet the possible results of that claim. In voting large sums of money in aid of local rates from Imperial funds, he felt they were doing an extremely perilous thing, not only on financial grounds, but also on the grounds which influenced those who were now represented by the Government in rejecting the rating Bill of last year because the whole subject of local Government had not been considered. They were now making grants from Imperial funds to local rates, and common prudence required that they should take additional security for the economical expenditure of the money which was thus given. He would not trouble the Committee to divide; but he trusted the Chancellor of the Exchequer would not think he had occupied time unnecessarily.

MR. GOLDNEY said, it was desirable that some one should recall the exact figures. The Chancellor of the Exchequer, in his Budget speech, estimated that the expenditure on account of local rates would be £1,010,000, and he now found it would be £704,000, leaving a balance of £306,000. Therefore, with that Supplemental Estimate, the Chancellor of the Exchequer was still within a few thousand pounds of his original Estimate; and according to these figures the hon. Member for Hackney was wrong. [Mr. FAWCETT said, he spoke of next year.] They had to do with this; the statement made was, that the Chancellor of the Exchequer had reduced his estimated surplus to a sum of £50,000; that was not the case, and the estimated surplus still remained. The claims of the railway companies with regard to telegraphs had been known

for years; they had been before the Committee on Public Accounts; and when the money was paid, it would go to capital, and not to revenue account. By the first Telegraphs Act, the expenditure was limited; by a second, an additional £1,000,000 was granted; and it might be necessary by another Act, still further to increase the capital; but the amount of the claims named by the hon. Member for Hackney was higher than he had before heard it stated. The question of local taxation had been fully considered and discussed. The principle of relieving it had been debated ever since 1839; and it was adopted in the Police Bill of 1856, on the unanimous recommendation of the Committee of 1853. The allocation now proposed did not affect the surplus which was estimated in the Budget speech—they were dealing with savings realized, and the Chancellor of the Exchequer had to the good what covered the Supplemental Estimates.

MR. GOSCHEN said, the claims of the railway companies respecting telegraphs were transmitted to the late Government by their Predecessors, and therefore he was surprised to have heard that these claims had arisen suddenly. He pointed out to the Committee, at the time of purchase, that the same right of telegraphy was being paid for four times over; but such was the excessive desire to acquire the telegraphs at any cost, that there appeared to be perfect blindness on this point, and he divided the Committee several times only to find himself in a minority of 1. As regarded the aid to local rates, he wished to know what the rate-payers would have to pay this year, whether the same rates, less £600,000, or less £300,000?

THE CHANCELLOR OF THE EXCHEQUER: The intention of the Government in the proposal made was this—that relief should be given to the local rate-payers from the commencement of the Imperial financial year—the 1st of April, 1874, for a certain amount. That relief would, of course, be given in the form in which the Government subsidies have been always paid. Taking the case of the police as an example, where in former periods we paid one-fourth, we now propose to pay one-half. That one-half will be paid in respect of expenditure incurred by the locality in the year commencing the 1st of April, 1874.

*Mr. Goldney*

But the time when these payments are made varies in different cases. In some cases they are paid twice in the year. In these cases—those of counties and boroughs—the first payment will fall within the financial year ending 1874-75; the second payment will fall just after the termination of the financial year 1874-75. The amount which the rate-payers will receive will be precisely the amount which was intended to be given them by the Government when the Financial Statement was made; and as to the effect upon the Imperial finances of the year, it will not affect to the full extent the financial year ending the 31st of March, 1875. The amount which will be paid to the ratepayers will be precisely what was promised; it will be paid at the time at which they are accustomed to receive it; and the charge upon the Imperial revenue will be precisely the same in the end. The hon. Member for Hackney says—"We are told you will leave a surplus; but remember you are drawing a bill upon next year." Exactly; that is just what we are doing, but to what extent? According to the calculations I have given to the House—which are moderate, for I have omitted something I expect to receive from another direction—we estimate a surplus for the present year of £400,000. Supposing, therefore, there is no improvement in the Revenue, we shall next year have a surplus of £400,000 to start with, against claims to the amount of £540,000; and I think I am justified in relying on the normal increase of the Revenue to make up the deficiency. With regard to the Telegraphs, that subject certainly seems to be, with some hon. Gentlemen, a skeleton in the closet. We really know very little about it; but a decision lately given in the Court of Exchequer, with regard to what is known as the Isle of Wight case, has very materially relieved the Government, and when the net result is arrived at, I believe the apprehensions entertained will be found very much exaggerated. At all events, it would be absurd, and quite out of the question, to ask the Committee to reserve a surplus of millions with a view to meet such a contingency. I believe the Government has taken a wise course in considering what the expenditure ought to be, and what the income of the country is likely to be, and then remitting as much

taxation as they could. That course, I believe, will be found to be, on the whole, beneficial to the taxpayers of the country.

*Vote agreed to.*

(2.) £15,000, Supplementary sum, Post Office and Inland Revenue Buildings.

MR. M'LAREN said, he wished to say a few words on the subject of Post Office telegraphs, which was the next Vote proposed. They were asked to vote about £50,000 for the maintenance of Post Office telegraphs and constructions. He was desirous of knowing how much of these allowances was chargeable to capital and how much to revenue? After quoting certain figures, the hon. Gentleman declared that the whole accounts were in a state of chaos, and that there was no means of ascertaining what was capital and what was revenue. In the present Vote, £7,000 was charged for ordinary maintenance and repairs that were plainly chargeable against revenue. He believed that the telegraph service, if the accounts were properly stated, as between revenue and capital, never did pay one shilling of revenue, and would not do so for some years.

MR. W. H. SMITH said, the hon. Gentleman was perfectly correct when he said the sum of £7,000 should be charged against revenue. By the Resolution of the late Government, all new works and all charges of whatever description were to be charged against revenue. That particular Vote, however, had been omitted in the preparation of the Estimates for the current year. It was decided by the late Government that the new works, alterations, and maintenance of Telegraph Buildings should be undertaken by the Office of Works, and they made the present estimate; but owing to some misconception, it was not presented in March, and was not included in the charges for the year. The Telegraph account was not now before the Committee; but when the Vote was in the Chairman's hands, he should be happy to give any explanation that might be required.

*Vote agreed to.*

(3.) £35,600, Supplementary sum, New Buildings for County Courts, &c.

MR. ANDERSON said, he would like to ask the hon. Gentleman, if it were a

fact that in England, the whole cost of the County Courts was paid by the Government; and, if that were so, if he could explain how it was that in Scotland the County Courts had to be paid for by the localities? One-half was allowed by the Government, and the other half had to be paid by the localities. Surely, there ought not to be such disparity in such a matter as that.

MR. W. H. SMITH said, that undoubtedly in England the whole charge for County Court buildings, where these were Government property, fell on the Government; but, on the other hand, all fees paid in County Courts went to the Imperial Exchequer. In Scotland the County Courts were not of the same character as in England. County Courts in England were for purely judicial business. The Courts were Courts of Justice where trials were conducted under the direction of a Judge appointed by the Lord Chancellor. County Courts in Scotland were places where the business of the county was conducted. [MR. ANDERSON: Sheriff Courts.] The cost is borne in England by the Imperial Exchequer but all the fees are paid in there.

MR. ANDERSON: The hon. Gentleman is not aware that the Sheriff Courts in Scotland have a wider jurisdiction than the County Courts in England. They have criminal jurisdiction, which the County Courts have not, and that is an additional reason why the cost should be paid by the State.

MR. SCLATER-BOOTH said, the hon. Gentleman had answered himself. The Sheriff Courts were used for local as well as Imperial purposes. These were analogous to the quarter sessions and petty sessions in England, the costs of which were borne by the localities. He would add that an Act of Parliament laid down the proportion to be paid out of Imperial and local funds for the Sheriff Courts which were used for both purposes.

MR. ANDERSON repeated that the Sheriff Courts had criminal jurisdiction as well as civil, which the County Courts had not.

MR. GOLDNEY said, that the counties in England defrayed the expense of the petty session and quarter session buildings.

*Vote agreed to.*

(4.) £13,800, Supplementary sum, Constructing certain Harbours, &c.

Mr. GOSCHEN inquired what steps the Government proposed to take with regard to Dover Harbour?

Mr. W. H. SMITH said, that the only sum asked for this year for Dover Harbour was £2,050 to pay the salaries of certain officials. That sum had no connection with the harbour works. When the present Government came into office they found a scheme for extending the harbour, which had been approved by the late Government, involving an expenditure of £970,000. The Government did not think it right to adopt so considerable a plan without due consideration. A vote of £10,000 on account had been taken last year, but no portion of it had been expended by the present Government, and the money had been surrendered to the Exchequer. The Government had under its consideration a similar scheme to that of the late Government, and although no decision had been come to, it was very possible some similar measure would be proposed next year. But nothing would be done without giving the House an opportunity of coming to a decision.

*Vote agreed to.*

(5.) £2,225, Supplementary sum, Lighthouses Abroad.

(6.) £166,000, Supplementary sum, Local Government Board.

Mr. RAMSAY said, he would like to ask the Chancellor of the Exchequer for an explanation of the fact that there was no Vote for Scotland? They were asked to vote a sum of £166,000 as a contribution for the maintenance of pauper lunatics in England, and £56,000 for Ireland, and he feared that, unless some explanation were given of the cause which induced the Government to refrain from asking a Vote for Scotland, there would be some misapprehension in the North, and he desired to avoid that. He understood it was intended that a Vote should be allowed for Scotland, calculated on the same principle as that for England, and dating from the same time. If that were the case, the half-year's payment for pauper lunatics would be due to the parochial authorities in Scotland at the same time as in England. But he had understood from remarks by the right hon. Gentleman that

it was not usual to pay contributions of this kind to Scotland more than once in a year. He could see no good reason why Scotland in that instance should be an exception, seeing that contributions of this kind were altogether new. He asked therefore that the payment should be made to Scotland at the same time as to England. Another inquiry, and one which he regarded as of greater importance than the date at which the contribution would become due, was this—the right hon. Gentleman was quite aware that there was considerable diversity in the practice as to the mode of treatment of pauper lunatics in England and Scotland; and the practice as established in Scotland was deemed by eminent medical authorities in Scotland, and by most eminent psychologists, to be the best for promoting the recovery and comfort of patients. It was therefore desirable that this mode of practice should not be disturbed or interfered with in any way. Those who administered the statutes regarding the maintenance of pauper lunatics in Scotland wished to be allowed to follow hereafter that course of treatment which they had hitherto followed. They desired that the sums allocated to Scotland should be granted without interfering with that mode. It was therefore proposed that instead of paying the sum as in England, that paid in Scotland should be handed over to the Lunacy Boards of the several counties, in order that the parochial authorities might receive each their share without reference to the place in which the lunatics might be maintained. He could bring abundant evidence to support this application, but he did not believe anything he could do would alter the decision of the Chancellor of the Exchequer. He merely wished now that the matter should be explained.

GENERAL SIR GEORGE BALFOUR cordially agreed in supporting the application. He ventured to hope that time would be given to allow the people of Scotland to express an opinion on the subject. It was desirable to allow patients to remain in poor-houses or at farm-houses, where the mode of treatment was preferable to that in large asylums.

Mr. MARK STEWART agreed that there was a strong feeling in Scotland on the subject, and was quite sure from the

attention which the Chancellor of the Exchequer had always given to Scotch subjects, that the remarks of the hon. Member for Falkirk (Mr. Ramsay) on that head were uncalled for, and might be liable to misconstruction.

MR. RAMSAY explained that what he meant was, he could add nothing here to what he had told the Chancellor of the Exchequer privately.

THE CHANCELLOR OF THE EXCHEQUER said, he could assure the hon. Gentleman that he did not put any adverse construction on the remarks of the hon. Member for Falkirk (Mr. Ramsay). With reference to the first question, the hon. Member had himself supplied the answer. There was no Vote proposed for Scotland in this Estimate, the reason being that his right hon. Friend at the head of the Local Government Board having made inquiries, was informed that the proper and convenient time would be to pay at the period when the Scotch make up their accounts, and that was on the 15th of May, and therefore the sum would not come in the course of payment in the present financial year. There was no question that the Vote would be submitted next year, and that payment would be made on the same principle as in Ireland. Whether there might be a change made in the future as to that time—the time of payment to Scotland—was a subject he could not venture on now. In the present arrangements, which were of a temporary character, they had desired to disturb as little as possible the ordinary course of things as they found them, and they had made their arrangements accordingly. A sum of about £35,000 would, however, have to be provided for Scotland to put it on the same footing as England and Ireland. With regard to distributing the grant in Scotland on a somewhat different principle from that adopted in England, as desired by the hon. Gentleman, the arguments adduced on that point by many of the Scotch Representatives whom he had seen were not without weight, and it might be well worthy of consideration whether in future some different arrangements could not be made regarding it; but for the present year, he was not disposed to encourage the introduction of that system. Anything that they did in that matter involved consequences and laid down precedents of which it was not easy to see the ulti-

mate result, and it would be time enough to consider the matter when they came to the Vote next year. In Scotland, no doubt, they had to consider the different classes of lunatic asylums, and make provision for a class which did not come within the category of the English asylums—namely, the parochial asylums, which came properly within the scope of that Vote. But when they were asked to go beyond that, and make provision for lunatics in fatuous wards and also in private residences, very difficult questions arose. Questions might arise between one locality and another; and if they distributed the grant through the Commissioners in Lunacy according to principles they might adopt, which included paupers in fatuous wards and other places, those counties which were now reckoning on getting the whole would only get a portion of that Vote. The questions involved were difficult and delicate, and required to be carefully considered before they adopted a final system with regard to the matter. No doubt, a simple plan could be devised to meet the case. It must be borne in mind that the rates of contribution ought not to be the same, because in some cases there was a much lower weekly payment than in others. Boards of Guardians with regard to some of these institutions were responsible for the control and expenditure; whereas in other cases, the patients were taken entirely out of their hands, and they had nothing at all to do with the expenditure. The House might adopt the principle of paying a certain proportion—half, or what they pleased—of the cost of a lunatic; but that principle the Government were loth to adopt, as they were afraid it might lead to extravagance. They preferred the principle of the capitation grant to it. He trusted that the Committee would agree at the present moment to the view of the matter taken by the Government.

MR. RAMSAY found that, from an excessive desire not to detain the Committee, he had not made himself properly understood. He did not intend to ask that the Vote for Scotland should be made upon any other principle than that which the right hon. Gentleman had laid down as applicable to England. His object was to secure that the system of treatment which was adopted, and which was considered the best, should

not be interfered with by any decision the right hon. Gentleman might come to regarding the mode of payment in Scotland. He begged to state that the Board of Lunacy in Scotland had a record, or rather a register, of the names of all the pauper lunatics, and the number of days they were maintained by the parish, and they had therefore a complete control over the expenditure which was incurred on account of each pauper lunatic—as to his dietary and mode of treatment.

Mr. SCOURFIELD pointed out that the principle on which lunatics of different classes should be dealt with was equally important in England and Scotland, and hoped that no system would be adopted in either country which would militate against the adoption of the most perfect form of treatment.

SIR EDWARD COLEBROOKE said, he would have liked to know whether the experiment of the Government was to be confined to the mere apportionment of the grants; because, if so, as far as he could see, the scheme could not be carried out consistently with the curative treatment which had been so successful in Scotland.

*Vote agreed to.*

(7.) £4,500, Supplementary sum, Mint.

(8.) £55,692, Pauper Lunatics, Ireland.

(9.) £155,200, Supplementary sum, Metropolitan Police.

Mr. WHITWELL asked, why the metropolitan police was dealt with differently to the county and borough police, by giving a quarter of the actual expenditure incurred? The Vote was for nine months, and was equal to £206,000 for the year. The county and borough Vote was for £160,000, or £320,000 for the year. The Government was about to give £206,000 for a population of about 3,000,000, and only £320,000 for a population of 20,000,000. It was giving an immense advantage to the metropolis, that had already got so many advantages over the country generally.

GENERAL SIR GEORGE BALFOUR complained that, as there were three periods for making up the police accounts for the country, Scotland would be a great loser on this occasion.

THE CHANCELLOR OF THE EXCHEQUER said, that the principle on which

the metropolitan police were paid had long since been laid down by law. They were much more under the immediate control of the Home Office than the county or borough police were.

*Vote agreed to.*

(10.) £160,000, Supplementary sum, Police in Counties and Boroughs (England and Wales).

Mr. RAMSAY said, that unless in Scotland they received some contribution in aid of the police in respect of the period between 26th March and the 15th May, they certainly would not get a contribution of equal amount to that which would be given for England, and he would therefore suggest that the same allowance ought to be made for Scotland in respect of those 50 days which was made for this country. He could see no reason why one country should be treated differently to the other. In Scotland they paid the same taxes as in England, and in all other respects contributed in an equal degree to the national Exchequer; and if his present demand was not acceded to, he should feel inclined to resist the Vote.

Mr. W. H. SMITH said, the matter should receive the fullest consideration on the part of the Government, and that any practicable concession that the justice of the case might be found to require, would be granted.

GENERAL SIR GEORGE BALFOUR said, there should be a detailed statement of the amounts to be contributed out of the Consolidated Fund to the local rates.

THE CHANCELLOR OF THE EXCHEQUER said, it would be contained in the elaborate Returns that had been moved for by the right hon. Gentleman the Member for Pontefract.

Mr. RAMSAY considered the statement of the hon. Member (Mr. W. H. Smith) conveyed an unsatisfactory assurance. They ought to have an assurance that the money would be paid, and unless it were given, he must again say he should resist the Vote.

Mr. GOSCHEN said, the Chancellor of the Exchequer would probably be able to give a more distinct answer on the Report.

THE CHANCELLOR OF THE EXCHEQUER thought it would be impossible to make the arrangement proposed this year, as it would interfere with the Esti-

*Mr. Ramsay*

mates, but next year the question could be more fully considered.

Mr. M'LAREN was of opinion that the same rule ought to apply to the whole of the United Kingdom.

GENERAL SIR GEORGE BALFOUR said, England was to be paid in this Vote for four extra days, and why should not Scotland be paid for the 50 days?

*Vote agreed to.*

(11.) £7,523, Supplementary sum, Miscellaneous Legal Charges, Ireland.

Mr. M'CARTHY DOWNING complained that the county of Cork, which was the largest in Ireland, was not placed in the list in the appointment of its chairman of quarter sessions as a first-class county, and that the chairmen of other smaller counties, such as Kilkenney, Monaghan, and Armagh had larger salaries, which was, he thought, a great injustice. He also wished to draw attention especially to the meagre payment vouchsafed to clerks of the peace in the county, the result of which was that when an able man was found there, he was generally removed from the county as a reward for his merits.

THE ATTORNEY GENERAL FOR IRELAND (Dr. BALL) agreed with the hon. and learned Gentleman as to the chairman of quarter sessions in the West Riding of the county of Cork being entitled to rank in the first class, but the present was not the time to raise the question. It could not fail, however, to be taken into consideration hereafter.

Mr. BUTT, although he usually distrusted any proposal to increase the salaries of officials in Ireland, thought that it would only be an act of justice to place the chairman of the division in question in the first class.

*Vote agreed to.*

(12.) £3,068, Supplementary sum, British Museum.

(13.) Supplementary sum, National Gallery.

Mr. HANKEY said, he had understood the Prime Minister to promise a statement on this Vote, as to the purchase of a picture to which he (Mr. Hankey) called attention some time ago. He wished now to ask, under what circumstances pictures were bought? Although the Director had a duty to

perform in bringing under the notice of the Government such pictures as it was desirable the nation should acquire, yet it was very properly on the responsibility of the Prime Minister that the pictures were bought. It would be well, however, that the right hon. Gentleman should consult the Trustees, comprising as they did men of eminence in society, such as Lord Overstone, Sir William James, Mr. Gregory, and others. A statement had been published that the picture to which he had referred was trash, but the right hon. Gentleman said it was one of rare merit, and congratulated the country on its possession. In fact, the opinion of Mr. Robertson did not appear to be generally shared, and no doubt the right hon. Gentleman was correct in his view. That was the only opportunity afforded to hon. Members for considering the condition of national pictures, and therefore he desired to call attention to the disgraceful state of two great works of art in the long gallery of the House of Lords, painted by Mr. Maclise, which were now rotting away and peeling off the walls.

THE CHAIRMAN pointed out that in a Vote of that kind the hon. Gentleman was out of Order in alluding to the condition of pictures in the House of Lords.

Mr. HANKEY said, he was sorry if he was out of Order, as he could not on any other occasion allude to the matter. He hoped that some means would be adopted for stopping the further progress of decay, and in that view would request the Commissioner of Works to take the opinion, during the Recess, of men of taste as to the condition of those pictures.

THE CHAIRMAN again called the hon. Member to Order, and informed him that the subject under consideration was the pictures in the National Gallery, and not those in the Houses of Parliament.

Mr. DISRAELI: My hon. Friend opposite is labouring under several misconceptions. In the first place, he is labouring under a misconception, when he supposes I said I would make a statement with respect to the purchase of these pictures. A statement was made by my hon. Friend, to the effect that one of the pictures out of several was worthless, and I expressed a contrary opinion. No doubt, when the sub-

ject comes before us, it is the duty of the Government to give any information that may be required. The next misconception is to suppose that the pictures are bought on the responsibility and under the direction of the Chief Minister. Nothing of the kind. The House allows £10,000 a-year for the purchase of pictures, and that sum is expended according to the judgment of the Director of the National Gallery—a post which has been filled by very eminent men and is now filled by a gentleman only recently promoted to it by the late Government, but who is in every way fitted to discharge its duties. The Director has the advantage of consulting the Trustees of the National Gallery; they are his council, and whenever he has an opportunity of purchasing pictures it is his duty to consult his council, which consists of gentlemen appointed by the Government of the day. The Director, however, is not bound by their advice, any more than the Secretary of State for India is bound by the advice of his Council. He has usually the power of purchasing up to £10,000 a-year on his own responsibility. Some four or five years ago, however, the National Gallery purchased the collection of the late Sir Robert Peel for £75,000. It was a most valuable collection—a most desirable purchase for the Government to make. I believe, if sold by public auction, it would have fetched, I will not say double that sum, but a sum much more considerable than that paid for it. The pictures are all of the highest class of the school to which they belong, and are a great addition to the national collection. But then the Government who wisely made that purchase, made an arrangement which I did not approve at the time. They did not quite make up their minds to buy this collection at once for £75,000, which I humbly submit it was their duty to have done, but said they would mortgage the £10,000 a-year which is given to the Trustees of the National Gallery for the purchase of pictures, until the £75,000 was paid off. The consequence was, that of late years the Trustees of the National Gallery and their Director have made very few purchases for the nation, and whenever they do, they have to come to Parliament. Of course, when they come to Parliament, the Prime Minister is responsible, for it is upon his judgment and decision that

they determine whether they shall make the purchase or not. This year and last year the National Gallery was denuded of funds. Then there came to the hammer a collection well known to the curious, the collection of Mr. Barker, containing pictures of a peculiar character, and an opportunity was given to the nation of obtaining specimens of art of a rare character, such as probably would never occur again. Under these circumstances, the Director of the National Gallery, feeling the responsibility of allowing such an opportunity to be lost to the country, made strong representations to the Government that, notwithstanding the arrangement made at the time of the purchase of Sir Robert Peel's collection, they ought to consider the circumstances and come to a decision in favour of purchasing. Of course, the Government adopted every possible means of making themselves acquainted with the circumstances of the case, and they came to the resolution that it was their duty to take the responsibility of purchasing a certain number of the pictures before the public. These were all pictures by early Italian masters—the great masters of the “Renaissance;” they were fine specimens of masters very difficult to obtain. I think there were 12 pictures—some say 14, for one was in three compartments; but they were all specimens, as I have said, of very early Italian masters, and, I think, specimens of the highest class. One of these pictures, by Piero della Francesca, fetched a considerable sum, and the country purchased it with the full consent of the Government, under the advice of the Director, who is quite competent to fill the responsible post he occupies. The House is acquainted with the fact that there were attacks in the public journals, by an individual, very much decriing that picture, saying that it was of no value, that it was entirely repainted, and that the country had made a bad purchase. It was in consequence of that, that my hon. Friend addressed a Question to me in this House to which I responded by expressing what was my opinion, and what still is the opinion of Her Majesty's Government on the subject. There is a story, which is quite authentic, of the Great Napoleon, who was always thinking of fame and posterity. He one day asked Baron Denon how long a picture would



last, for at the time, he was speculating on all the ways by which a man's name and fame might be best perpetuated. Baron Denon said a picture might last for 500 years, at which the great Emperor scoffed, expressed his contempt for a fame which would last only 500 years, and would not entrust his recollection to that branch of Art. But I would remind the Committee that the picture which has been called in question is a picture of nearly 500 years. It was painted at the beginning of the 15th century, and we are now near the end of the 19th. Of course, in paintings of this kind you do not expect technical perfection. You purchase them for their sentiment, their design, their powerful expression, and for their originality. This picture is described as a *corpus vile*—I will not say by an anonymous writer, for his name was always signed, but by a volunteer critic. It was described as a *corpus vile*, void of all feeling, and was denounced as a picture which had been entirely re-painted, and it was said that no portion of the original was extant. The answer could be given by many hon. Gentlemen present, for it has been now for some time exhibited in the National Gallery, and before that, many hon. Gentlemen must have seen it in the rooms of Messrs. Christie and Manson. It is one of those pictures so peculiar that there is no one who sees it for the first time, whether he be artist, connoisseur, or one of the uncultured crowd, but must feel involuntary admiration and even enthusiasm for its Idyllic grace, delicacy, and beauty. It so happened when these attacks were made upon this picture—as the truth always comes out—that there was furnished to the Government by a most accomplished lady, a memorandum made by Sir Charles Eastlake when he was in Italy, and saw this picture on its being offered for sale. Sir Charles Eastlake admired it so much that he intended to purchase it, and, thinking he had done so, he pursued his journey in Italy. When he returned to Florence he claimed the picture, but found that Mr. Barker had seen it in the meantime and tempted the owner with a higher price, who we must charitably suppose misconceived the nature of the contract, and parted with it to Mr. Barker. But we have the description of the picture by Sir Charles Eastlake in 1861. It was painted on

vertical panels; the panels were warped and greatly disjointed; and so it would have been totally impossible to re-paint the picture. Therefore, all that had been done to the picture in the way of modern restoration must have been during the 12 or 13 years which have elapsed since 1861. The fact is that the vertical panels have been put again in form, joined together, and what is called "masked," and that a portion of no great importance has been painted over, the same portion that has been restored. But I believe the great body of the picture has been painted by Piero della Francesca. Indeed, that, I think, can be proved. I may add that the description I have given of this picture as being a picture painted upon panels is applicable to some of the *chefs d'œuvre* of the galleries of Europe, and many of them have been treated in the same manner as this. Allowing for the natural result of time, the picture is really in excellent condition. It must be that many hon. Gentlemen who hear me have seen it, and can speak of it for themselves; and all those whose opinions on such subjects ought to influence us must, I am sure, regard it as one of the most exquisite specimens of one of the rarest artists that exists. As to the price, I would merely observe that, although it cost £2,400, it must be borne in mind that when we buy works of art we must consider whether they be first-rate works, and not consider price. The country ought to purchase all the best works of art, as far as possible, whether they be pictures, statues, or gems. No private collectors would hesitate to take that course, knowing that the prices which they give for such works would, in the long run, more than remunerate them. It was quite impossible, therefore, for the Government, when they made up their mind that the picture should be purchased, to hesitate about giving a sum of £1,500 or £1,600 more or less. And how was it purchased? It was purchased under all the strictness of competition with the agents of many foreign galleries, and with only an advance of £50 on the sum which had been offered by a competitor. The purchase has, therefore, been made by the country under the most legitimate circumstances. It includes specimens of Benvenuto di San Georgio, Carlo Crivelli, the great name of Piero della Fran-

cosca, Luca Signorelli, who was one of his pupils; Pinturicchio, and Botticelli. These are masters whose works it must be admitted will be a great addition to our Gallery, which was not sufficiently strong in specimens of their style. I have only further to add that, although fierce attacks have been made on the national collection—a very reckless assertion was made on the subject in *The Times* newspaper (I do not say by *The Times* itself) as to its being unequal and being vamped up in a very illegitimate manner—I have the highest authority for saying that no other collection in Europe containing so many pictures as the National Gallery of England is characterized by so much intactness. I hope, therefore, the House will sanction the course which, under the circumstances, the Government have deemed it to be their duty to take, the National Gallery having no funds. We made the purchase believing it was made wisely and discreetly, and in the belief that the mere value of these pictures will be found to exceed the price which has been given for them.

*Vote agreed to.*

(14.) £1,000, Sub-Wealden Exploration.

Mr. GOSCHEN asked what were the special circumstances which had induced the Government to give this sum?

THE CHANCELLOR OF THE EXCHEQUER said, that while he was of opinion that great caution should be exercised in such matters, he thought the House would approve the course which had been taken by the Government in the present instance. In the course of the inquiry of the Royal Commission which had been appointed to examine into the supply of coals, it had been ascertained that there was reason to suppose that a vein of coal which was found in Belgium might probably underlie the Weald of the South-east of England. The Commission therefore recommended that some investigation should be made into the subject. One of the associations had consequently visited Sussex, and a spot was selected at Netherfield, near Battle, for the purpose of proving the question. At that place, boring had taken place, and had been carried on to the depth of 1,000 feet, at a cost of £3,000, provided by

private subscription. The work however had proved to be heavier and more costly than was anticipated, and far advanced as it was, would have to be abandoned, unless it was assisted in some way. It had at the same time been reported to the Government that all that had been done was consistent with the theory on which the work had originally been undertaken, and that coal might be found at a lower stratum. The Government having communicated with several gentlemen of high scientific knowledge on the matter, and deeming the experiment to be worth trying, and that it had a national character, had thought it their duty to make the present proposal. The amount of the Vote was to be applied in the proportion of £100 for every 100 feet advanced.

Mr. LYON PLAYFAIR said, he also supported the Vote as being a national experiment which might be productive of the best possible results. It appeared probable that when the boring had been carried 100 or 200 feet further, it being now already pushed below the Oxford clay, the object which scientific men had in making it would be ascertained. Those men, however, out of whose pockets the £3,000 already expended had come, had exhausted their resources, and the experiment would have to be abandoned, if the Government did not come, to the rescue. The expenditure of the public money proposed was, therefore, in his opinion, under the circumstances, a good one, and it would be a pity if the enterprise were relinquished for want of funds.

Mr. FAWCETT thanked the Government for making the grant. The exploration had been started and carried on partly by a very public spirited man in Brighton—Mr. Willett—who had not the smallest pecuniary interest in the matter, aided by others, who had done everything they could to avoid such an appeal as the present, and whose efforts must cease unless they received assistance. The experiment was of the utmost scientific value, although no coal might be discovered. He did not think the most ardent friend of economy could blame the Government for carrying out the experiment.

Mr. GOSCHEN said, he did not make any objection to the Vote, but had thought it desirable that the Govern-

*Mr. Disraeli*

ment should have an opportunity of stating the circumstances.

*Vote agreed to.*

(15.) £5,000, Supplementary sum, Temporary Commissions.

(16.) £800, Supplementary sum, Miscellaneous expenses.

MR. ANDERSON said, he thought this was an extraordinary charge and required further explanation than was given in the Parliamentary Papers. It appeared that the Duke of Abercorn on his appointment to his present office had to pay a stamp duty of £1,000, whereas his Predecessor had to pay a stamp duty only of £200, and the Government proposed to pay the difference of £800. He should like to know why the Duke of Abercorn was to be treated differently from other persons who received a valuable appointment, and who had to pay a stamp duty in proportion to the value of their appointment.

THE CHANCELLOR OF THE EXCHEQUER said, that under the old Stamp Duties Act certain duties were charged upon various public appointments, and at the time the last Lord Lieutenant of Ireland was appointed the amount of stamp duties payable in respect of that office was about £200. In 1870, the Stamp Acts were revised and a duty at the rate of 5 per cent upon the salary attached to an office was imposed upon the person who was appointed to the office. That enactment came rather suddenly upon certain classes of appointments. As to the case of the Lord Lieutenant of Ireland, and perhaps he might add that of the Governor General of India, though their nominal salaries were very considerable, yet in point of fact, the amount of remuneration which they actually received was by no means in proportion to the amount of their salaries. It appeared to be an oversight of Parliament, that the full gross salaries in these cases were taken as the units of taxation, and as a practical injustice seemed to be committed in the case of the stamp duty payable by the Lord Lieutenant of Ireland, the Government felt that a sum of £800 should be voted to defray the amount of stamp duty which had become payable under the new Stamp Act by the Lord Lieutenant in excess of the amount payable by his Predecessor.

MR. CHILDERS said, he did not object to the Vote, but he thought it would be better if the matter were placed on a legal footing. A great many of the fines, under the disguise of fees and stamps, imposed on the acceptance of office seemed to him to be a mistake. Some years ago, a Committee, of which his right hon. Friend the Member for the City (Mr. Goschen) was Chairman, was appointed to consider the matter; but owing to a change of Government nothing was done, and he suggested whether the inquiry might not be taken up now and carried out.

THE ATTORNEY GENERAL FOR IRELAND (Dr. BALL) said, that it was unjust that persons when appointed to an office which they might hold for a short time should have to pay a large stamp duty. When he was appointed on a previous occasion to the office he now held, he had to pay in stamp duty the same amount as if he had been appointed to an office which he could hold for life, and he held office only for a few days, the Government having within that time after, resigned.

GENERAL SIR GEORGE BALFOUR thought that military officers ought to be exempted from such a tax.

MR. HUBBARD (*London*) said, that was a subject well worthy of the attention of the Government. He had long been of opinion that nothing could be more unworthy of a great country than to levy fines upon persons who received offices of dignity or emolument, or titles of honour.

MR. ANDERSON was of opinion that the Chancellor of the Exchequer had not shown why the Lord Lieutenant of Ireland should be treated exceptionally with reference to this stamp duty.

MR. SULLIVAN warned the Committee against believing that the Viceroy of Ireland invariably spent their £20,000 a-year in that country. There was a considerable amount of poetry in that statement; but he felt it due to the present Lord Lieutenant to say that public opinion did not point to him as one of those to whom these remarks applied.

MR. W. H. SMITH said, it was the intention of the Government to institute a departmental inquiry, or an inquiry by Committee of the House of Commons, into this subject, as it affected all classes of public servants.

*Vote agreed to.*

(17.) £5,883, Marriage of His Royal Highness the Duke of Edinburgh.

SIR WILFRID LAWSON said, he perceived that the grant included the sum of £300 as a contribution towards illuminating Edinburgh. He should like to know why money for such a purpose was asked for in the case of Edinburgh, any more than in the cases of other large towns?

MR. McLAREN said, the item referred to was in no sense a contribution to Edinburgh on the marriage of the Duke of Edinburgh. The inhabitants agreed to illuminate all the public buildings belonging to the town. They asked the Government to illuminate all the public buildings belonging to the country, and accordingly £300 was expended for that purpose. He repeated that that was not a contribution to the City of Edinburgh, and he might add that as the £300 did not suffice to pay the cost of illuminating the Government buildings, it was supplemented from local sources.

*Vote agreed to.*

(18.) £4,404, Family of the late Dr. Livingstone, &c.

MR. SULLIVAN inquired, whether that Vote would supersede the necessity of granting £100 a-year to members of Dr. Livingstone's family? adding that he saw the proposal of that grant with pleasure.

THE CHANCELLOR OF THE EXCHEQUER replied that the present proposal was an addition to that grant.

SIR WILFRID LAWSON asked, whether it was true that Dr. Livingstone had been buried at the expense of a wealthy merchant of the City of London?

THE CHANCELLOR OF THE EXCHEQUER said, the Treasury had at first promised to grant £250 for the funeral of Dr. Livingstone, that sum having been estimated to cover all expenses. It was afterwards found that a larger amount was required, and in informing the Government of the circumstance, the Geographical Society added that a wealthy merchant in the City offered to make up the difference, but the Treasury felt that to accept the offer would not be in accordance with the wishes of the country.

MR. KINNAIRD believed the Treasury had exercised a wise discretion in making an allowance to Dr. Living-

stone's family. He was only sorry the sum was not larger.

*Vote agreed to.*

(19.) £71,500, Supplementary sum. Post Office Services, &c.

MR. GOLDNEY called attention to the various offices now included in the Post Office, and amongst them those of the Savings Banks and Telegraph, the latter of which, he was informed, was not productive of any profit. He considered that reform in the management of the Post Office departments ought to be effected, and that a Bill ought to be brought in to place them all under a Board with one head.

MR. WHEELHOUSE made an appeal to the Postmaster General on behalf of the provincial letter-carriers, whose salaries were very small, and totally inadequate as remuneration for their very laborious duties.

LORD JOHN MANNERS said, the position of the provincial letter-carriers would be taken into consideration with a view to a revision of the rate of pay.

MR. LYON PLAYFAIR asked if the same scale of increase would be applied to the letter-carriers of Edinburgh and Dublin as of London?

LORD JOHN MANNERS said, the amount asked for the salaries for suburban letter-carriers in London was £46,270 for the year, against £43,606 last year; and that the new scale of pay applied to Edinburgh and Dublin.

In reply to Mr. CHILDERS,

MR. W. H. SMITH said, it had been the practice that the sum paid for the acquisition of freehold land for the purpose of the Post Office should be carried to the account of that Department, while the cost of erecting the actual building should be carried to the account of the Office of Works.

*Vote agreed to.*

(20.) £37,687, Supplementary sum. Post Office Telegraph Service.

MR. DILLWYN said, the sum was a very large one, and he wished to know why it had not been included in the original Estimate?

MR. W. H. SMITH said, it was owing to a change in the system of accounts, which had only recently been introduced, and which he thought was a very desirable one. Until that year it had been the custom to charge the amount of the

annuities payable to the servants of the late telegraph companies to capital account; but as that was thought an objectionable arrangement, it was necessary that a Supplementary Estimate should be prepared.

MR. FAWCETT wished to know how much the Chancellor of the Exchequer had taken credit for under the head of telegraph revenue in his Financial statement?

THE CHANCELLOR OF THE EXCHEQUER could not give the precise figures, but he was informed that the amount of business that was being done was largely in excess of that done last year, and that there was at present no reason to fear that the estimate which was given to him for the telegraph revenues for this year would not be realized.

LORD JOHN MANNERS said, that taking last month, there were 200,000 more telegrams despatched and received than were despatched and received during the corresponding month of 1873, a gratifying proof of the immense development of this particular branch of the Post Office system.

MR. GOSCHEN said, that in 1873-4 there were 268 officers of the old companies in receipt of annuities, whereas in 1874-5 there were only 185, the amount asked for in the former year being £25,000, as against £12,500 asked for in the present year. He wished to know whether that difference in the number of officers was owing to their having been absorbed into the service, or to their having commuted?

MR. W. H. SMITH said, the difference in the numbers was chiefly owing to the persons referred to having commuted, and the cost of such commutation had been charged to capital account.

*Vote agreed to.*

On Motion, "That the Chairman report the Resolutions to the House,"

MR. FAWCETT asked the Chancellor of the Exchequer to state what portion of the remission of taxation which had been made in the course of the Session would take effect this year?

THE CHANCELLOR OF THE EXCHEQUER said, he scarcely understood the question of the hon. Member. The remission of the sugar duties and of the licence duty on horses came into operation at once, and that of the income tax

of course covered the whole of the financial year.

*Motion agreed to.*

House resumed; Resolutions to be reported *To-morrow.*

#### WAYS AND MEANS.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

#### MONASTIC AND CONVENTUAL INSTITUTIONS.

##### MOTION FOR AN ADDRESS.

MR. NEWDEGATE moved for an Address for Copies and Translations of any Laws, Ordinances, or regulations relating to Monastic and Conventual Institutions connected with the Church of Rome, and to the inmates or members thereof, especially to the regular Orders of the Church of Rome, which may be enforced by the authority of the State, and are at present operative in France, in the German Empire, in the Austro-Hungarian Empire, in the Russian Empire, in Italy, in Sweden and Norway, in Belgium, in Spain, in Portugal, and in Switzerland.

*Amendment proposed,*

To leave out from the word "That" to the end of the Question, in order to add the words "an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House, Copies and Translations of any Laws, Ordinances, or Regulations relating to Monastic and Conventual Institutions connected with the Church of Rome, and to the inmates or members thereof, especially to the regular Orders of the Church of Rome, which may be enforced by the authority of the State, and are at present operative in France, in the German Empire, in the Austro-Hungarian Empire, in the Russian Empire, in Italy, in Sweden and Norway, in Belgium, in Spain, in Portugal, and in Switzerland,"—(*Mr. Newdegate.*)

--instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. ERRINGTON hoped the hon. Member for North Warwickshire would state, whether he was prepared to accept the Amendment which the right hon. Gentleman the Member for Kildare (Mr. Cogan) had placed upon the Paper, and which was to extend the inquiry to the

United States and the Dominion of Canada? If the hon. Member was not prepared to accept the Amendment, he (Mr. Errington) should be obliged, however unwillingly, to oppose the Motion, in order to be able to put the Amendment.

Question put, and *negatived*.

Question proposed, "That those words be there added."

MR. SULLIVAN said, they had received no intimation as to whether the addition to the Motion would be agreed to by the hon. Member for North Warwickshire, who proposed to ransack the whole world for some precedent for that particular kind of legislation which he had so long sought to force on the House. If the hon. Member were indeed labouring in the interests of civil and religious liberty, he should recollect that there was such a portion of the world as the United States of America, in which the institutions which fostered civil and religious liberty had just as strong a hold as in any part of the world. He hoped there would be no objection to asking whether in the Dominion of Canada like Returns could be found. The Catholic Members of that House were quite content that the Motion should be acceded to, for they would welcome any information in relation to Catholic practice or affairs, collected in good faith. They only asked that the inquiry should be made without bias, and that it should be made as wide as possible—in fact, as wide as the civilized world itself.

SIR GEORGE BOWYER said, he did not object to the Motion, because he did not think the information would in any way be prejudicial to Roman Catholics. But he must say that the hon. Gentleman had chosen those countries where at present persecution was going on under peculiar circumstances. He did not think the object which the hon. Gentleman (Mr. Newdegate) had in view would be assented to by the people of England, because the regulations which existed in the countries to which the hon. Member's Motion referred were contrary to that principle of freedom and civil and religious liberty which this country greatly valued. The Returns would be of no use as an analogy for any legislation in this country. He wished the Return to be ex-

tended to Malta, a portion of the British Dominions. He thought the Return would show that in the countries named there was no regulation in force which would be objected to in England; but he objected to the notion which now existed in Germany, under the dictation of one particular statesman, whose name he need not mention, that anything of that sort should be introduced into this country, because he thought that any attempt to introduce into England such laws as were in force in Germany, would be repudiated by both parties in this country.

MR. M'CARTHY DOWNING objected to both the Motion and the Amendment proposed to be made upon it, and would ask, supposing an application for this information made to the authorities in France and Spain and other countries were refused, how was the Resolution of that House to be carried out?

MR. BOURKE said, that early in the Session he informed the hon. Member for North Warwickshire there would be no objection on the part of the Government to obtaining the information he desired, and placing it in the Library; but he thought it would be a useless expenditure of public money to translate and print all the documents. They had got together the laws of the countries named, and he thought there was scholarship enough in the House to obviate the necessity for translations. There could be no objection on the part of the Government to add the countries named in the Amendment; but the Constitution of the United States rendered it almost impossible they could have any laws on the subject, and, in fact, an interesting book in the Library showed that they had none. Canada had two or three old laws on the subject. He would gladly put all the available information on the Table of the Library; but he thought that it would be a useless expenditure of public time and money to make translations.

MR. KINNAIRD said, he should be glad to second the request of the hon. Member for the county of Wexford (Sir George Bowyer). The more information they could have upon the subject the better. But why did his hon. Friend interpose a certain expression about a certain individual in the German Empire? He meant the legisla-

*Mr. Errington*

tion of Prince Bismarck. He wished the hon. Baronet had spoken boldly out. His hon. Friend was a very old Friend—they had never quarrelled. For himself, he wished to endorse the Prince's policy, and to express the opinion that the attempt on his life should rally all their sympathies. At all events, he was delighted the Prince had escaped the hand of the assassin, and he believed the hon. Baronet would rejoice that the Prince had escaped. The more information they had the better; and, as they were all at one, the sooner they dropped the subject the better.

MR. NEWDEGATE said, he had been told by the Under Foreign Secretary that the Return would be voluminous, and therefore he had confined himself to countries in Europe in which there had been legislation since 1829, when there was legislation in this country. With regard to America, it was well known there was no written law on this subject, but there was an unwritten Code which controlled institutions of this sort. In Canada there existed regulations on this subject, but they were under the Treaty of Quebec, and not the voluntary product of the Legislature. So also with regard to Malta.

MR. SPEAKER informed the hon. Member that, having made his Motion, he could not speak again till the Amendment was moved.

MR. SERJEANT SHERLOCK said, it appeared to be the wish of the House that this Return should be as comprehensive as possible, and he would suggest that in addition to Turkey, Armenia, Syria, Palestine, and the Australian Colonies should be included.

MR. ERRINGTON moved the addition to the Resolution of the words "and in the United States of America and in the Dominion of Canada."

Amendment proposed to the said proposed Amendment, by adding at the end thereof the words "and in the United States of America and in the Dominion of Canada."—(*Mr. Errington.*)

SIR GEORGE BOWYER said, he should also move the addition of Malta.

MR. NEWDEGATE said, he did not know whether the Government intended to assent to the Amendment. The proposed addition was perfectly unnecessary. The information could be obtained upstairs with regard to America,

Canada, and Malta. But if America was included, he should propose to add the Empire of Brazil and the Republics of South America. He should have been content with information relating to Europe.

Question, "That those words be there added," put, and *agreed to*.

MR. NEWDEGATE then moved the addition of "the Empire of Brazil."

MAJOR O'GORMAN proposed to add Peru and Chili.

SIR GEORGE BOWYER said, the hon. Gentleman had clearly shown that what he wanted was not to have general information on the subject, but sufficient to suit his purpose. He made a Motion just to get what he wanted—information as to the law in those countries in which there at present existed persecution against the Roman Catholic Church. The hon. Member had most reluctantly consented to have that information extended, showing, as he (Sir George Bowyer) thought, for what malignant purposes he wanted the information.

Amendment proposed, after the word "Canada," to add the words "and in the Empire of Brazil."

Question, "That those words be there added," put, and *agreed to*.

Main Question, as amended, put, and *agreed to*.

*Resolved*, That an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House, Copies and Translations of any Laws, Ordinances, or Regulations relating to Monastic and Conventual Institutions connected with the Church of Rome, and to the inmates or members thereof, especially to the regular Orders of the Church of Rome, which may be enforced by the authority of the State, and are at present operative in France, in the German Empire, in the Austro-Hungarian Empire, in the Russian Empire, in Italy, in Sweden and Norway, in Belgium, in Spain, in Portugal, in Switzerland, in the United States of America, in the Dominion of Canada, and in the Empire of Brazil.

#### WAYS AND MEANS.

*Resolved*, That this House will immediately resolve itself into the Committee of Ways and Means.

## REGISTRATION OF BIRTHS AND DEATHS BILL.—[BILL 224.]

(Mr. Selater-Booth, Mr. Clare Read,  
Mr. Secretary Cross.)

## CONSIDERATION.

Bill, as amended, *considered*.

Mr. MUNTZ remarked that he did not wish to offer any factious opposition to it but he could not help feeling that the measure would leave the House in a very imperfect condition. There had been too little time devoted to its consideration, if regard were had to its great importance. For instance, he had to complain that three months might pass away before the registration of a birth was absolutely necessary; and that no provision was made for the registration of still-born children, which he thought would tend to encourage infanticide. A great number of children died in the first three months, and the births of many of those would escape registration, although their deaths would be registered. He did not, however, wish to move any Amendment on the subject; all he hoped for was that the Bill might work smoothly, but he was very much afraid it would not.

Mr. STANSFELD moved the insertion of the following new clause, after Clause 18:—

(Notice where coffin contains more than one body.)

Where there is in the coffin in which any deceased person is brought for burial the body of any other deceased person, or the body of any still-born child, the undertaker or other person who has charge of the funeral shall deliver to the person who buries or performs any funeral or religious service for the burial of such body or bodies notice in writing signed by such undertaker or other person, and stating to the best of his knowledge and belief with respect to each such body the following particulars:—(a) If the body is the body of a deceased person, the name, sex, and place of abode of the said deceased person; (b) If the body has been found exposed and the name and place of abode are unknown, the fact of the body having been so found and of the said particulars being unknown; and (c) If the body is that of a deceased child without a name, or a still-born child, the name and place of abode of the father, or, if it is illegitimate, of the mother of such child. Every person who fails to comply with this section shall be liable to a penalty not exceeding ten pounds.

Mr. SELATER-BOOTH thought that such a proposal as that involved in the Amendment had better be given effect to in a Burials Bill; but he would not offer any objection if it was thought de-

sirable to have such a provision inserted in this measure.

Clause *agreed to*, and *added to* the Bill.

Bill to be read the third time *To-morrow*.

## VACCINATION ACT, 1871, AMENDMENT

BILL.—[Lords.]—[BILL 226.]

(Mr. Selater-Booth.)

## SECOND READING.

Order for Second Reading read.

Mr. SELATER-BOOTH, in moving that the Bill be now read a second time, said, it had been introduced for the purpose of amending certain defects in the Act of 1871, relative to the person who should put the Act in operation and to the recovery of penalties for neglecting to comply with its provisions. The simple object of the Bill was to provide that the Local Government Board should have power to control the proceedings of Boards of Guardians with respect to putting the law into force, and that it should not be possible for those bodies to set themselves against the law. The right hon. Gentleman concluded by moving the second reading of the Bill.

Motion made, and Question proposed. "That the Bill be now read a second time."—(Mr. Selater-Booth.)

Mr. P. A. TAYLOR deprecated extending the power of coercion under these laws, and expressed a wish that greater discretion should be allowed to Boards of Guardians to act in accordance with the peculiar circumstance of each case. Of course, he did not know anything about vaccination; but in many parts of the country a strong and bitter hostility was growing up against the Acts. As a matter of policy, he thought it would be better not to stimulate what might create a superstition by enforcing penalties, but to endeavour to persuade people of the advantage of vaccination, and to ensure that the nature of the lymph should be of an unexceptionable character. He thought they had better relax the force of our legal penalties than increase them. He should, therefore, oppose the Bill.

Mr. NEWDEGATE rejoiced that the Government had brought in the Bill. Although every possible liberty should be given to parents it was necessary, for the safety of the public, that prejudices



should be overcome. He thought, however, that the use of bad lymph should be rendered penal.

DR. LUSH supported the Bill on the ground that the disease was infectious, and that the general law must be enforced for the general good.

MR. LYON PLAYFAIR also supported the measure, the object of which was not to permit Guardians to make partial what Parliament had intended to be a general law.

Question put, and agreed to.

Bill read a second time, and committed for To-morrow.

#### CHURCH PATRONAGE (SCOTLAND)

BILL.—[Lords.]—[BILL 159.]

(The Lord Advocate.)

COMMITTEE. [Progress 24th July.]

Bill considered in Committee.

(In the Committee.)

Clause 4 (Compensation to private patrons).

MR. ANDERSON, in rising to move, as an Amendment, in page 2, line 42, to leave out from "Her Majesty" to end of clause, said, patronage was held in three hands—the Crown, certain municipalities, and private persons. Parliament was entitled of right to deal with patronage in the hands of the Crown as national property. With patronage in the hands of municipalities and private individuals, Parliament was not entitled so to deal, and if they desired compensation, it ought to be given them. He did not believe that every municipality would want compensation, but he thought it better not to leave the question an open one.

Amendment proposed, in page 2, line 42, to leave out from the words "Her Majesty," to the end of the Clause.—(Mr. Anderson.)

Question proposed, "That the words proposed to be left out stand part of the Clause."

THE LORD ADVOCATE said, he would remind the hon. Member that in the Irish Church Act, no compensation was to be given to Her Majesty or to any corporation for loss of patronage. For that reason, he thought the Government were justified in putting these provisions into the Bill. He also opposed the Amendment on the ground that no

application for compensation had been made by any corporation, and further, that in Scotland, no corporation could sell patronage, because it was held in trust for the "common good."

MR. RAMSAY expressed his surprise that the Lord Advocate should have quoted the Irish Church Act, which he, when in opposition, had regarded as an act of spoliation. He trusted the hon. Member for Glasgow would persevere with his Amendment.

Question put.

The Committee divided:—Ayes 134; Noes 15: Majority 119.

MR. CAMPBELL - BANNERMAN inquired if the Lord Advocate could inform the Committee what the "rules and regulations" were that were referred to?

THE LORD ADVOCATE said, it would be left to the General Assembly to frame them. His object was to suspend the operation of the Act till the General Assembly should take action.

MR. CAMPBELL - BANNERMAN thought the amended clauses would not meet the case of the parishes with less than 25 communicants, unless they gave instructions to the General Assembly.

MR. R. REID, in moving the omission of the clause from the Bill, said, it had been said when the Bill was first spoken of, that it was introduced in compliance with the wishes of the great mass of the people of Scotland, and that Parliament would not do that from an English, but rather from a Scottish point of view. All information on the subject went to prove that the people of Scotland looked with disfavour on the system of private patronage which the Bill was meant to remove, and even all the patrons themselves who had spoken on the subject refused to treat their privilege from a money point of view. On the contrary, they had thanked the Government for proposing to take a disagreeable responsibility off their hands, and it was generally acknowledged that this patronage had no marketable value; so that really there was not only no reason why the compensation should be provided for, but the patrons themselves had not asked for it. Any money value that was ever set upon private patronage was taken away by the Act of Lord Aberdeen, which gave congregations the right to object to any minister that a

patron might present to a living. He objected also to the form in which the compensation was offered and the manner in which it was to be paid.

MR. MARK STEWART opposed the Amendment, on the ground that a great diversity of opinion existed on the subject, and that there were some persons who had gone so far as to designate the Bill as a measure of compensation. He trusted that the Amendment would not be pressed, and that the Government would adhere to the clause.

MR. ANDERSON said, that it was not exactly correct to say that private patronage possessed no marketable value in Scotland. He knew of one living which in 1862 was sold for £580, which was worth about £270 a-year. This was a matter of nearly three years' purchase. He thought, however, that as the Committee had confiscated the rights of municipalities, they might also confiscate the rights of private patrons.

Amendment *negatived*.

Clause *agreed to*.

Clause 5 (Procedure before sheriff).

GENERAL SIR GEORGE BALFOUR moved, as an Amendment, in page 3, line 6, after "petitioner," to insert—

"and in making this inquiry the sheriff shall have regard to the amount of teinds already enjoyed by the present patron, and by former patrons under the Acts of 1690 and 1693, which allowed these teinds in compensation for the abolition of patronage, but which patronage was re-established under the Act of the tenth year of Queen Anne, chapter twelve, but without giving up the."

THE LORD ADVOCATE, in opposing the Amendment, said, that it would be very difficult to carry it out.

Amendment, by leave, *withdrawn*.

THE LORD ADVOCATE moved, as an Amendment, in page 3, line 12, after "entitled," to insert "unless the sum shall be otherwise provided," expressing a hope that both a general and local fund would be provided, which would prevent the security of patrons from having to rest on the income of the clergyman of the parish.

MR. LYON PLAYFAIR thought that no kind of security could be worse than that, and hoped the public spirit of Scotland would obviate the necessity for it.

GENERAL SIR GEORGE BALFOUR said, it would be far better for the Go-

vernment to pay the whole £45,000 required to compensate patrons.

COLONEL MURE observed that by the law of Scotland any contract that encumbered the income of a clergyman was simoniacal.

SIR EDWARD COLEBROOKE said, such an arrangement would be like the old Popish practice of holding livings *in commendam*. He reserved to himself perfect liberty to bring forward a distinct proposition on the Report.

MR. ORR-EWING did not think that any grievance would arise under the clause.

MR. FRASER-MACKINTOSH believed that when the Bill passed, a central fund would be raised for the purpose of purchasing the rights of presentees, and hoped the Lord Advocate would adhere to the clause.

SIR WILLIAM STIRLING-MAXWELL thought that some further explanation should be given in regard to what was exactly intended by the Church of Scotland in this matter. The form of security proposed by the clause was very objectionable.

MR. ANDERSON said, the difficulty would be met by giving power to the congregation to buy the patronage up at one year's purchase.

Amendment *agreed to*.

Clause, as amended, *agreed to*.

Clause 6 (Sheriff's judgment final).

MR. VANS AGNEW moved, as an Amendment, in page 3, line 31, to leave out the word "not," the object of which was to provide that the judgment of the sheriff-substitute in the matter should, as in all other cases, be liable to be reviewed by the principal Sheriff.

THE LORD ADVOCATE said, the provision was really to prevent any unnecessary or prolonged litigation; but he had no objection to an appeal being made to the Sheriff, as it was possible that mistakes might be made by the sheriff-substitute.

Amendment *agreed to*.

Word *struck out accordingly*.

Clause, as amended, *agreed to*.

Clause 7 (Appointment by presbytery *tanquam jure devoluto*).

THE LORD ADVOCATE then moved an Amendment of which he had given Notice.

## Amendment proposed,

In page 3, line 41, after the word "devoluto," to insert the words "and the appointment by the presbytery shall be equivalent to an appointment by the congregation in terms of section three hereof. If at any time after the passing of this Act it shall appear to the presbytery of the bounds that the number of the communicants of any vacant church and parish, to which no presentation had been issued before the passing hereof, is less than twenty-five, it shall not be lawful to take any proceedings for the appointment, admission, and settlement of a minister, except under and until after the issue of rules and regulations to be framed by the general assembly subsequent to the commencement of this Act; the *jus devolutum* in the case of any such vacancy shall not come into operation until after the first day of September, one thousand eight hundred and seventy-five, although more than six months may have elapsed from the occurrence of such vacancy."—(*The Lord Advocate.*)

Question proposed, "That those words be there inserted."

MR. RAMSAY suggested that the clause should be postponed, until he had had an opportunity of bringing forward the new clause of which he had given Notice.

THE CHAIRMAN said, the clause having been amended could not be postponed.

SIR EDWARD COLEBROOKE thought they were giving too extensive powers to the General Assembly, and submitted that some security should be given that the right of patronage would be allowed to be exercised by the people.

MR. LEITH also objected to the unlimited power given by this clause to the General Assembly. The terms of the rules and regulations ought to be inserted in the clause.

GENERAL SIR GEORGE BALFOUR asked, if the Amendment was not irregular, in the same way that his own was on Friday night—namely, that it contained a recommendation to the General Assembly? He objected to such an arbitrary power being given to any body.

THE CHAIRMAN ruled that the Amendment was not irregular, inasmuch as it was enacting, whereas the Amendment of the hon. and gallant General had been only recommendatory.

MR. ORR-EWING said, that if such rules were laid down by Parliament, it would probably lead to a second Disruption.

MR. CAMPBELL - BANNERMAN objected to the proposal, on the ground

that it was not sufficiently definite with respect to the action which the General Assembly might take in the matter. So far as the small Highland parishes were concerned, there would be nothing to prevent any anomaly or scandal occurring.

COLONEL ALEXANDER said, he had received a letter from an influential constituent, saying that the great power which was left to the General Assembly was the one blot in the Bill. He (Colonel Alexander) was quite unwilling to leave to any Church Court such enormous power, and thought that the regulations which might be made should be ratified by Parliament before they came into operation.

MR. ANDERSON considered the Amendment better than the original clause. It would not do to leave the provision for the making of rules as it was.

MR. M'LAGAN suggested that the rules should be the same as in Clause 3.

THE CHAIRMAN said, it was too late to make the suggested Amendment.

Question put.

The Committee *divided*: — Ayes 89; Noes 22: Majority 67.

MR. LYON PLAYFAIR proposed a further Amendment, in the shape of a Proviso, making it necessary for the rules to be submitted to Parliament and approved before the clause could come into operation.

MR. ASSHETON CROSS objected, and said he could not imagine anything more certain to give offence to the Free Church.

MR. LYON PLAYFAIR said, there would otherwise be no guarantee that the rules would be framed.

MR. ORR-EWING said, rather than have such a rule, the Church of Scotland would have patronage continued.

MR. CAMPBELL - BANNERMAN maintained that Parliament should decide on the rules.

Amendment *negatived*.

Clause as amended, *agreed to*.

Clause 8 (Repeal of inconsistent statutes) *agreed to*.

Clause 9 (Interpretation clause).

MR. LYON PLAYFAIR, in moving as an Amendment in page 4, line 7, after "include," to insert "persons having a right to sittings, and persons

Commission on Capital Punishment to the effect that under the existing law it was next to impossible to procure a conviction for infanticide. Besides, the existing law was not abrogated, but as in the case of treason felony, an alternative course was afforded to the prosecution. They were, therefore, sacrificing justice for the sake of an idea, and the Commission in its Report recommended some such legislation as this. As some objection had been taken in the 3rd clause to the words—"If the mother of any child shall wilfully cause the death of such child during or immediately after its birth," he would be prepared to substitute for the word "wilfully" the words "unlawfully and maliciously." If the Government accepted the principle of the Bill he would be willing to withdraw the measure for the present Session; but if they did not he must take the sense of the House on it. He considered the present state of the law a solemn mockery.

*Moved*, "That the House be now put into Committee."—(*The Lord Colchester.*)

LORD REDESDALE said, he did not think the Amendment suggested by the noble Lord who had charge of the Bill would at all improve it. The best check to the commission of the crime of infanticide was the sense of its heinousness. Once Parliament by its legislation encouraged the idea that infanticide was not murder, that check would in a great degree be removed, and in some sense encouragement would be held out to its commission. What would people say if they saw the same punishment inflicted for the killing of a child as for the stealing of a pair of stockings? He should rather see a woman who had murdered her child acquitted because the jury did not wish that she should be put to death than have it declared by Act of Parliament that the wilful or the malicious killing of a child was not murder. It would be far better that all the murderesses in the country should be acquitted than that there should be such an Act. This being his decided opinion on the subject, he would move an Amendment that the House do resolve itself into a Committee on the Bill that day three months.

*Lord Colchester*

An Amendment *moved* to leave out ("now") and at the end of the Motion to add ("this day three months.")—(*The Chairman of Committees.*)

LORD STANLEY OF ALDERLEY supported the Amendment. He said that the statistics quoted by the noble Lord, who introduced this Bill, showing the difficulty of obtaining convictions for infanticide, were not of much weight, for at the period from which they were taken, all convictions were very rare owing to the prejudice then excited against capital punishment. It were better, he thought, that every murderer tried for infanticide should be acquitted, owing to an unwillingness of juries to convict in such cases, rather than that the sense of the enormity of the crime should be lessened in the minds of that class of women who were more likely to commit the crime; and the House was responsible for the Bills they might pass, but not for the verdicts of the juries.

THE LORD CHANCELLOR said, he should regret that any opinion of his should be at variance with a recommendation of the Commission on Capital Punishment, but he had not had an opportunity of examining that part of the Report of the Commissioners which bore on this subject, and he desired to reserve his opinion on it till he had examined it. He must, however, say that the principle of the Bill appeared to him to be an extremely objectionable one, and it was one which, as at present advised, he could not recommend their Lordships to accept. It was a proposition which, if it were expressed in short and popular language, was one from which the moral sense of everybody would recoil. If it were stated in plain terms that the mother who murdered her child at, or soon after its birth, was not to be tried for murder, but for a felony which was to be punished with imprisonment only, such imprisonment not to exceed two years, with hard labour—if the Bill was expressed in that plain language, what would anyone say to it? It was called a "Bill to amend the law of Infanticide;"—but if anyone but the mother was guilty of the crime of killing a child, no one could doubt that, even after the passing of this Bill, he or she would be guilty of murder, and would be tried and punished for murder. If so, would not this be

giving a privilege—he regretted to use the term—to a mother to do against her own child what no one else could do without incurring the penalty of murder? If, as appeared to be the case, a difficulty in obtaining convictions for infanticide was experienced under the existing law, an amendment in the law might be necessary; but the Amendment now proposed was one which, as at present advised, he could not assent to, nor recommend to their Lordships.

LORD PENZANCE said, that under the existing law extreme cases were provided for, for a count for concealing the birth was always put in the indictment, and of this, which was a misdemeanour, the jury might convict when they were not prepared to convict of the capital offence. He did not say that state of the law was perfect or not capable of amendment; but he concurred with his noble and learned Friend on the Wool-sack in thinking the Amendment proposed in the Bill extremely objectionable.

LORD O'HAGAN, as one of the Royal Commissioners whose Report had been referred to in support of the Bill, said, that the conclusion arrived at by the Commissioners did not support it. The conclusion arrived at by the Commission was that, in cases where injuries had been maliciously inflicted by the mother within seven days after the birth of the child, which injuries resulted in the death of the child, there ought to be a conviction for murder; but the Commission held that, in cases where murder could be proved, there ought to be a conviction for murder, and in like manner a conviction for manslaughter where only manslaughter was proved, and of concealment of birth where the latter was what the indictment charged and what the evidence made out. It was quite true that verdicts of concealing the birth were now given by juries in cases where the evidence would warrant a conviction for the capital offence. This was done to avoid the infliction of capital punishment. Undoubtedly, it was a very evil thing when juries were induced to depart from truth and law; but by way of remedy for that, it would be a very serious thing for Parliament to say that murder was not murder, and ought not to be punished with the penalty of murder, whatever that penalty might be.

On Question, That ("now") stand part of the Motion? *Resolved in the Negative*; and House to be in Committee on this day three months.

#### PAROCHIAL RECORDS (IRELAND).

##### QUESTION.

THE EARL OF BELMORE asked the Lord Chancellor, Whether he can give any assurance that Her Majesty's Government will during the Recess take the matter of providing for the safe custody of the Parochial Records in Ireland into consideration, with a view to legislation early next Session?

THE LORD CHANCELLOR said, he would most willingly give his noble Friend the assurance he required. The documents referred to by the noble Earl were, in reality, national documents, and he held it to be one of the first duties of a Government to provide for their safe custody. Of that, he thought, there could not be a second opinion. The only cause of delay in the matter arose from the difficulty of deciding the best manner in which the documents could be securely deposited, consistently with ready accessibility, and from the consideration of the question how far the emoluments gained in the various parishes by the keeping of these records ought to be the subject of compensation, and from what source compensation was to be provided. The details were under the consideration of the Government, and he hoped that early next Session they would be prepared to deal with the subject.

House adjourned at Six o'clock to  
Thursday next, a quarter  
before Four o'clock.

#### HOUSE OF COMMONS,

*Tuesday, 28th July, 1874.*

MINUTES.]—NEW MEMBER SWORN—Henry Robert Brand, esquire, for Stroud.

SELECT COMMITTEE—*Report*—East India Finance [No. 329].

SUPPLY—*considered in Committee*—Resolutions [July 27] reported.

WAYS AND MEANS—*considered in Committee*—Resolution [July 27] reported.

PUBLIC BILLS—*Ordered*—*First Reading*—Consolidated Fund (Appropriation) \*.

*Second Reading*—Prince Leopold's Annuity [232].

*Referred to Select Committee*—Local Government Board (Ireland) Provisional Order Confirmation \* [207].

*Committee—Report*—Public Worship Regulation \* [176-236]; Royal Irish Constabulary and Dublin Metropolitan Police \* [196]; Vaccination Act, 1871, Amendment \* [226].

*Considered as amended*—Foyle College \* [208]; Pier and Harbour Orders Confirmation \* [229].

*Third Reading*—Local Government Board's Provisional Orders Confirmation (No. 5) \* [209]; Registration of Births and Deaths \* [224]; Lough Corrib Navigation \* [218]; Turnpike Acts Continuance \* [186]; Valuation (Ireland) Act Amendment \* [134], and passed.

#### POST OFFICE—RATES OF POSTAGE BETWEEN ENGLAND AND ITALY.

##### QUESTION.

Dr. LUSH asked the Postmaster General, Whether any means are in contemplation to reduce the rates of Postage between this Country and Italy, the present rate on letters being nearly twice the rate between this Country and France—namely, sixpence per half-ounce, and the rate between Italy and the United States being fivepence half-penny per half-ounce?

LORD JOHN MANNERS, in reply, said, that the Italian mails were about to be sent through France instead of Germany, and Her Majesty's Government were most desirous that a reduction should take place in the postage of the letters. He was in communication with the Italian Post Office authorities on the subject. He was anxious that the reduction should be greater than the Italian Post Office authorities proposed. Hitherto they had not seen their way to the reduction he proposed; but he hoped that before long an agreement would be arrived at for the reduction of the Postage.

#### ARMY—MILITIA—INSTRUCTORS OF MUSKETRY.—QUESTION.

Mr. FORTESCUE HARRISON asked the Secretary of State for War, if he would explain to the House why the pay and allowances of Instructors of musketry of regiments of Militia sent to Aldershot for the Summer drills have been disallowed for all the days they attended there, except those days on which they were actually engaged in musketry instruction; whether this is not at variance with the engagement under which Officers of Militia went to Hythe

and qualified for their appointments; and, whether it is intended to follow a similar course with regard to musketry Instructors attached to the regiment of the Line?

Mr. GATHORNE HARDY, in reply, said, that with respect to the last Question, the hon. Member would be aware that Musketry Instructors attached to a regiment of the Line had continuous payment, and that they were not in the same position as Instructors of the Militia, who were trained for a special purpose. As to the Instructors at Hythe, they would have the usual allowance—namely, an allowance for each day that they gave instructions.

#### PARLIAMENT—SALE OF ACTS OF PARLIAMENT.—QUESTION.

Mr. HAYTER, asked the Secretary to the Treasury, Whether he is aware that there is no Office at which Acts of Parliament can be purchased within the precincts of the House of Commons, and if he would request Messrs. Spottiswoode to supply Acts passed by the last and present Parliament to Messrs. Hansard for the use of Members?

Mr. W. H. SMITH, in reply, said, that although he was aware that there was no special Office within the precincts of the House for the sale of Acts of Parliament, he had reason to believe that they might be purchased by Members within those precincts. He would inquire whether further facilities should be given to Members of Parliament for the purchase of Acts.

#### CONFERENCE AT BRUSSELS—RULES OF MILITARY WARFARE.—QUESTION.

Mr. SERJEANT SIMON asked the First Lord of the Treasury, Whether Her Majesty's Government have arrived at a final determination as to sending a Representative to the Congress at Brussels; and, if that determination be in the affirmative, whether there is any objection to stating the name of the Representative?

Mr. DISRAELI: Mr. Speaker, we have received satisfactory communications from the Powers in answer to our Circular, and therefore we have not thought it in our power any longer to refuse to send a delegate to the Conference at Brussels; and subject to those conditions and stipulations with which

the House is familiar from the Despatches which have been laid upon the Table, we have instructed Major General Horsford to attend that Conference as military delegate.

**ACCESS TO THE HOUSES OF PARLIAMENT.—QUESTION.**

**SIR CHARLES W. DILKE** (for **SIR EDWARD WATKIN**), asked the Secretary of State for the Home Department, If he is now prepared to give an answer to the Question put to him by the hon. Member for Southwark (Colonel Beresford) in reference to the Order of the Lord Chamberlain, whereby the public were to be excluded from free access to the Houses of Parliament?

**MR. ASSHETON CROSS**, in reply, said, that he had been in communication with the Lord Great Chamberlain upon the subject of the recent Police Order, and he was sure that the object of the noble Lord had been entirely misunderstood. The Lord Great Chamberlain's sole object was to take care that there should be a sufficient safeguard with reference to visitors, and to give ample facilities for every person to see the House who was entitled to do so. He hoped that that night arrangements would be concluded which would be satisfactory both to the officers of the House and to the public at large.

**SPAIN—THE GERMAN SQUADRON.  
QUESTION.**

**MR. O'CLERY** asked the Under Secretary of State for Foreign Affairs, Whether the Government have received any intimation from the Imperial German Authorities relative to the statement of the "*Nord - Deutsche Zeitung*," "that the German Squadron now stationed off the Isle of Wight will be ordered to cruise on the northern coast of Spain;" and, should such be the fact, to ask, are the Government prepared to make any statement to the House on the subject?

**MR. BOURKE**: Sir, Her Majesty's Government have received no intelligence that a positive decision has been arrived at by the German Government to send a Naval Squadron to cruise off the coast of Spain; but we have reason to believe that the German Government are considering the expediency of order-

ing a Squadron into those waters. The only statement Her Majesty's Government have to make upon the subject is that they presume the only object the German Government have in taking this step is to protect the lives and property of German subjects in Spain, which may be endangered in consequence of the Civil War which is now raging in that country.

**PUBLIC HEALTH ACT—TOTTENHAM  
LOCAL BOARD—THE RIVER  
LEA.—QUESTION.**

**MR. JOHN HOLMS** asked the Secretary of the Local Government Board, Whether his attention has been drawn to the pollution of the River Lea at Tottenham by sewage, and to the fact that a large number of dead fish are found lining the edge of the towing-path, producing a state of the atmosphere which is most detrimental to the health of the neighbourhood; and, if so, whether any steps have been taken by the Government to remedy the evil?

**MR. CLARE READ**, in reply, said, that the attention of the Board had for a considerable time been drawn to the state of the River Lea; and on the 23rd instant they received a Memorial on the subject, in which the circumstance with regard to the dead fish was referred to. The Board had for many months past been urging upon the sanitary authorities of Tottenham the necessity of completing without delay the works undertaken by them for the deodorization of their sewage, and on the 23rd instant—the same day on which the Memorial was received—the Board were informed by the Tottenham Local Board that the new tanks would be put into work at once, and would be steadily at work from that date. The Local Board also stated that they had settled the preliminary arrangements with a Company for treating the sewage, and they trusted that before many weeks elapsed the process would be in operation.

**ADULTERATION OF FOOD ACT.  
QUESTION.**

**MR. ALDERMAN COTTON** asked the Secretary of State for the Home Department, If he is aware that firms are still being prosecuted and fined for selling wholesome but common teas, alleged to be adulterated, but which are

of such quality as the Parliamentary Committee recommend to be admitted for consumption; and, whether he can issue a Circular to the magistrates expressing the wish that they will be especially careful in carrying out the law until an opportunity has been afforded for fresh Legislation?

MR. ASSHETON CROSS, in reply, said, his attention had not been called to the prosecution of offences under the Adulteration of Food Act. That matter came under the cognizance of the Local Government Board rather than that of the Home Office. He did not think it was competent to the Home Secretary to issue a Circular to magistrates instructing them that they should be specially careful as to the way in which they carried out the Law on this subject as long as that Law existed. He entirely agreed with an Answer which was given by his right hon. Friend the President of the Local Government Board the other night—that it was impossible for the Government to take any steps which would have the effect of restricting the operation of the Law or to introduce a suspensory Bill. But, he trusted that having regard to the Report of the Select Committee who had inquired into this subject this Session the local authorities would be extremely careful in instituting prosecutions on the subject of adulteration of food until an opportunity had been afforded for Legislation.

#### THE CHANNEL ISLANDS—ARREST FOR DEBT.—QUESTION.

MR. LOCKE asked the Secretary of State for the Home Department, If he is able to give the fuller information he promised on the subject of arrest for debt on mesne process in the Channel Islands?

MR. ASSHETON CROSS, in reply, read the following telegram which he had received from the Jersey authorities:—

"Arrest under mesne process exists in Jersey. It is regulated by a Law passed by the States of Jersey on the 3rd January, 1862, and confirmed by an Order of Her Majesty in Council, dated the 21st of March of that year. The creditor before causing his debtor to be arrested must make before a magistrate an affidavit that the claim is to the best of his belief justly due. The debtor may avoid going to prison by giving bail for his appearance to answer the demand before a proper Court. This process applies to Englishmen in Jersey who may be arrested at

the suit of English creditors for a debt contracted in England. At the time of making the arrest the sheriff or arresting officer is bound to deliver to the person arrested a detailed statement of the account against him."

#### ARMY—REGIMENTAL EXCHANGES BILL.—QUESTION.

MR. DILLWYN asked the Secretary of State for War, Whether it is the intention of Her Majesty's Government to proceed with the Regimental Exchanges Bill this Session?

MR. GATHORNE HARDY, in reply, said, that he would endeavour this Session to proceed with the Bill giving effect to the Report of the Commission which had investigated the grievances of Army Officers. He was anxious to make a statement on the subject.

#### ENDOWED SCHOOL ACTS AMENDMENT BILL—NEW CHARITY COMMISSIONERS.—QUESTION.

MR. W. E. FORSTER asked the First Lord of the Treasury, If he can give the House the names of the three new Charity Commissioners which it is the intention of the Government to appoint?

MR. DISRAELI: Mr. Speaker, this is, I believe, the third time the right hon. Gentleman has asked the same Question. I think it is hardly consistent with the custom of the House of Commons, or even with the courtesies of life, to ask the Government repeatedly for information which they have expressed their willingness to give the moment it is in their power to make a communication to the House on the subject.

MR. W. E. FORSTER said, he had merely asked the Question. The late Government had always given the names of Commissioners before Bills were passed through the House, and he should feel it his duty to continue to ask this Question.

#### IRISH CHURCH TEMPORALITIES COMMISSION—AUDIT OF ACCOUNTS.

##### EXPLANATION.

THE CHANCELLOR OF THE EXCHEQUER said, he wished to correct a statement which he had made in reply to the hon. Member for Kilkenny (Sir John Gray) on the subject of the Irish Temporalities Commission. He spoke of their latest Report as being the first

*Mr. Alderman Cotton*



they had made, whereas he found that several Reports had already been presented by them, and that they had it in contemplation to present another. The Controller had been in communication with the Commissioners on certain points mentioned in their Reports, and he would suggest that the most convenient course would be to refer the Reports to a Committee at the commencement of next Session.

#### THE BUDGET.—QUESTION.

MR. FAWCETT asked, Whether he had correctly understood Mr. Chancellor of the Exchequer to mean in his statement last night that the remissions of taxation made in the Budget were to come into operation this year?

THE CHANCELLOR OF THE EXCHEQUER replied in the affirmative.

#### THE LICENSING ACT—VALUATION OF BEER-HOUSES, SALFORD.

##### QUESTION.

SIR WILLIAM HARCOURT asked the Secretary of State for the Home Department, Whether it is the fact that the Magistrates of Salford have directed a re-valuation of all the Beer-houses in that town to be made by a surveyor, and directed that the owners of those houses should pay the costs of such survey; and, whether, if so, such a proceeding is in the view of the Government in accordance with the provisions of the Licensing Acts?

MR. ASSHETON CROSS, in reply, said, that his attention had been called to the case in question, and he had no objection to state what were the views of the Government in relation to the Licensing Act upon the construction of that statute; the 46th section, in order to provide for the change which took place when the Act was passed as to taking the annual value of the beer-houses instead of rating. At the first annual general licensing meeting after the passing of the Act the justices were required to obtain what the value of the premises were, and at that time they might do one of two things—they might either say they were of a certain annual value, or, if not of that annual value, then they might give the person in the occupation of the premises another 12 months, in order to make them of the full annual value. Therefore, by the

year 1873 everybody would have had an opportunity of making their houses up to the annual value. The magistrates might then make a re-valuation, and charge the occupiers with the cost. But having come to the determination that the beer-houses were of a certain annual value in 1872 and 1873, he was bound to state that it seemed a somewhat extraordinary construction of the Act to take a general sweep over the entire beer-houses in 1874 to see whether they were of the same annual value. When a beer-house was once declared of a certain annual value, it did not follow that it would always continue of the same value, as the property might deteriorate, and, therefore, the justices were perfectly entitled at any time to have a re-valuation.

#### PRINCE LEOPOLD'S ANNUITY BILL.

(Mr. Raikes, Mr. Disraeli, Mr. Chancellor of the Exchequer, Mr. Assheton Cross.)

[BILL 232.] SECOND READING.

Order for Second Reading read.

SIR CHARLES W. DILKE wished to say a few words as to the weakness of the grounds on which grants of this description were supported. It was not his intention to divide the House against the Bill unless hon. Members wished to take the sense of the House on the subject; but if any hon. Members wished to do so they should have his vote. Until the Act of last year, the Crown, in addressing Parliament, had generally stated that it was debarred by the law in force from making provision for the younger children; but owing to the measure which allowed the Crown to possess private estates, which were not included in the estates surrendered at the commencement of the reign "without reserve," and another Act, providing for the secrecy of the wills of the Crown, it could not now be asserted that the Crown did not possess property out of which provisions of this kind could be made. He only wished to put that on record.

MR. SCOURFIELD took advantage of the question being raised to read the following opinion from an independent source as to the relative advantages of the Republican and the Monarchical forms of government:—

"For the quiet and honest government which Queen Victoria has bestowed upon the English

people for 30 and odd years, they might well afford to pay ten times the amount. It has not only been honest, quiet, and prosperous, it has been the freest government on earth. We flatter ourselves that we have the cheapest government on earth; but, in reality, our President is the most costly ruler in the world. The sums stolen every week by Federal officials would, on a moderate calculation, greatly exceed the total annual expenses of the Royal Family of England. Our English cousins had better pause. Either on the score of cheap and honest or good government, they may not improve their condition by substituting Republicanism for Royalty."—[*Richmond Whig*, 1872.]

Bill read a second time, and committed for To-morrow.

#### SUPPLY.

Resolutions [July 27] reported.

#### CO-OPERATIVE SUPPLY ASSOCIATIONS.—OBSERVATIONS.

SIR THOMAS CHAMBERS said, a Motion on the subject of Co-operative Associations had stood in his name on the Paper for some time; but considering the advanced period of the Session, he had now deemed it expedient to alter the form of Notice, and instead of proposing a Resolution on the subject he would merely call attention to the inexpediency of associations for trading purposes being established and conducted by employees of the Government under the name of Co-operative Supply Associations. The House was no doubt familiar with this question, which of late had excited a good deal of public interest. At the outset he might observe that all arguments adduced against himself on the ground that he was opposing co-operation were simply beside the mark. He had not a word to say against co-operation. Of course any two or more persons acting together for a common purpose were co-operators; but in reference to the question now under consideration, the word "co-operation" was used to signify the acting together of a number of individuals not only to facilitate the supply of their own wants, but also to supply the wants of others who did not form a portion of the body so co-operating. Under the names of Co-operative Stores and Co-operative Supply Associations there had grown up a regular system of trading which was not distinguishable from ordinary commerce as carried on by limited liability companies or by large partnerships. The

retail tradesmen were desirous of having the fact brought under the notice of the House that members of the Civil Service of the Crown engaged in these undertakings. Up to a certain point no doubt they did so with perfect propriety. They might co-operate for the purpose of supplying themselves with a large number of commodities in ordinary use, and as long as they continued to do that, whatever effect might have been produced on the body of retail traders in the metropolis and the great towns, no person either in or out of the House could have complained that there was anything either illegal or improper in such a course of conduct. The complaint now made was that, under the name, guise, and pretext of Co-operative Associations, persons combined together for the purpose of acquiring necessities for themselves and their families and of saving the profit of the distributor. Under the guise of such associations there had, in point of fact, grown up a very large system of trading which could not be distinguished upon any principle from ordinary trading by companies of limited liability. These associations were not in any way mutual, and ought not to be called Co-operative Supply Associations. In order to give the House some information as to the facts, he would quote from a document recently issued by the Civil Service Supply Association (Limited). He held in his hand a paper containing the agenda for the half-yearly meeting. It was dated the 18th April, 1874, and contained some matters which he should like to bring under the notice of the House. The paper contained a very elaborate statement of the accounts of the society and the balance of their affairs for the half-year ending the 28th of February last. It was stated that the total purchases, at that establishment alone, during the half-year were £773,364 1s. 8½d. The total sales amounted to £819,428 1s. 1d.; the gross profits being £14,088. These figures, showing, as they did, the magnitude of the operations of such societies, were sufficient to make it worth consideration whether the complaints of the tradesmen were at all justifiable. He was told, indeed, that the returns of all these societies during last year showed an expenditure of upwards of £2,000,000, and that the profit formed a very large proportion to the expenditure. Revert-

*Mr. Scurfield*

ing to the society just alluded to, he found that the net profits were £9,000, which, added to the previously accumulated profits, made the profits in that institution alone no less than £90,000. The fact that such large profits were made was in itself a circumstance of suspicion. The only legitimate addition to the cost price of articles supplied by a Co-operative Society to its own members was the cost of procuring them, the cost of housing them until they were sold, and the cost of a small staff to distribute them, though the cost of distribution must be very small indeed, inasmuch as one of the rules required that customers should come and fetch the goods themselves. When, therefore, it was found that large profits were made, the system pursued by these societies looked more like trading than co-operation for the purpose of supplying the wants of their own members. Another circumstance worth consideration was the manner in which the profits were made. These so-called Co-operative Societies made their profits in the same way as an ordinary tradesman or partnerships with limited liability would make theirs. They did not merely sell articles at a price which would cover the cost and leave a small margin of profit, but they proceeded on the principle of selling some articles at a loss and others at a large profit, so that the profit made on one class of articles might more than counterbalance the loss sustained on the other. This was inconsistent with the principle of mere co-operation for the supply of the wants of the members of the Association, but thoroughly consistent with the principles of trading. Everybody knew that these societies were constituted primarily by members of the Civil Service. The paper he had already referred to contained a list of persons who were to be added to the Board of Direction, and he found they were from all the departments of the Civil Service. That society consisted of 4,500 members of the Civil Service, and if they merely combined together to supply themselves and their families no complaint whatever could be made; but besides these 4,500 members there were 15,000 persons who were called ticket-holders, and who paid so much for the privilege of buying goods at the stores; and at the last meeting a Motion was to

be made—he did not know whether it was made—that the 15,000 ticket-holders should be increased to 30,000. Perhaps it might be asked—“Why do you complain of that?” Well, all he would say at present was, that it was a contradiction of the principle upon which the society was founded, and that the moment it invited outside customers to pay for the privilege of dealing at the stores it ceased to be a co-operative and became a trading society. Moreover, the society was set up by Civil servants of the Government. The excuse they alleged was this—“We want to supply ourselves with goods on the principle of co-operation, but we cannot do so conveniently unless we get a larger trade than we can secure by the proper application of the principle of co-operation, and therefore we will invite the outside public to trade with us in order that we may supply our own wants at a cheaper rate.” There had recently been issued the prospectus of a new Civil Service Co-operative Society, and the list of the provisional committee consisted of the names of 20 gentlemen, all of whom were members of the Civil Service. The prospectus, after referring to the large amount of profit that had been realized by the old society, amounting to £90,000, went on to say that the accumulation of profits so large was a direct infringement of the main principle of co-operation, which was that after paying all expenses and allowing a fair dividend for the capital employed, all the profits belonged to the purchasers. It stated that four-fifths of the original members—namely, 17,000—were ticket-holders, and proposed that they as well as shareholders should be entitled to the benefits of the new organization; so that the large profits realized should be devoted to the customers and not exclusively to the shareholders. The regulations, after all, were not co-operation but trade; and he could not see why Her Majesty’s Civil servants should be allowed to set up this gigantic trading association against the efforts of individual shopkeepers. There was another prospectus from which he would quote—for these societies were the rage of the day—a characteristic of the age. The prospectus of the Government Offices Store, which professed to be conducted on “strictly co-operative principles,” spoke of some of the other associations as having “exceeded the

limits of fair play and justice, and deservedly raised enmity amongst wholesale and retail traders," and said it behoved the promoters to consider the propriety of establishing a society on sounder principles. It stated a just complaint against the old, and a just principle in the case of the new society. The writer of a private letter, a gentleman connected with the Civil Service, referred to the case of the co-operative store at Dublin, established at the end of the year 1872, and the only store of the kind in Ireland, as illustrating the tendencies to which all such associations were liable. The prospectus dwelt with emphasis on these two points—that the society was for the sole benefit of Civil servants, and that the commodities were to be sold to them at such a narrow margin of profit over the cost price as merely to cover the expenses of management. If these rules had been observed, there would have been but little cause for complaint; but in less than a year from the time when the society was established, both rules were broken through, and the writer of the letter referred to remarked that the tendency to break through such rules in all cases must be irresistibly strong. Upon the confession of those who had belonged to these co-operative societies they had exceeded the limits of fair and legitimate co-operation for the supply of the necessaries of life, and had become trading concerns, dealing also in the luxuries of life. The excuse and justification originally made were that co-operation was the only means by which persons of small fixed incomes could save themselves from paying the high prices charged by town tradesmen for long credit. If, however, the poorer classes of the Civil servants were excluded from the benefits of co-operation and the higher classes were admitted, and if the trading extended from necessaries to luxuries, the fundamental reasons for setting up a co-operative store no longer existed. The conductors of the Association Stores in the Haymarket, which did an enormous business, had recently issued a series of answers to objections. From this it appeared that Civil servants included Peers, Members of Parliament, justices of the peace, naval and military officers—he did not know if Volunteer officers were included—and clergymen, and it was contended

that Civil servants were as much entitled to set up this trading establishment as they were entitled to invest their spare money in banks, insurance companies, or any speculation. The argument of this paper was that these societies were trading societies, and therefore the Civil servants of the Crown should be prevented from joining them. Another paper stated that the first society was established in 1858 to import or purchase produce wholesale, to contract with manufacturers, retail at the lowest possible price, and promote in every way economy. But in the official price list for 1874 of the Association in the Haymarket would be found these words—

"The Civil Service Co-operative Society was founded by Mr. Ansell, of the Admiralty, and the benefits it confers on the aristocracy and other classes are most important."

It thus appeared that the character and objects of the Association were entirely different as held out in the prospectus and in the official circular. He had another paper which was signed by members of the Civil Service themselves. They stated that for a time these associations did very well, but in an evil day the directors grew ambitious; and what was originally a perfectly legitimate and defensive union of Civil servants had now become a vast, uncalled-for onslaught on the shopkeepers. Indeed, to use the words of one of their own writers, the whole affair was now "a gigantic sham." Let the directors only say that they had become shopkeepers on a large scale, and be content with the profits of their trade. There really was no distinction between these associations and trading societies; they should be called by the name most suitable to them, and the Chancellor of the Exchequer would have to say whether they were consistent with the rules of the Civil Service. They were certainly contrary to the rules laid down in March, 1849—namely, that the public was entitled to the whole time of the Civil Service, and that Civil servants should not be allowed to enter as directors of public companies requiring their attendance during business hours. Civil servants were absolutely prevented from engaging in mercantile pursuits if these encroached on the time of the public. Now, he had two cases where persons in the Civil Service had been conducting the business of these associations during

business hours. It did seem to him, too, that it might well happen that these gentlemen might go into the market to buy colonial and other produce at great advantage, because they might command information which was not ordinarily available. The Crown prohibited postmasters from selling newspapers, and would doubtless prohibit revenue officers from selling malt. Then, why should Civil servants be permitted to engage in trade? Incidentally connected with this subject, he must call attention to the Marine Canteen at Woolwich, which, instead of being confined to the supply of the military in the barracks, sent out its servants in uniform and canvassed and supplied private families, directly and indirectly, with goods of every description—milk, poultry, beer, shoes, &c.—which, he believed, was entirely in contravention of the Queen's Regulations. Besides the ordinary necessities of life, thousands of articles of elegance and luxury, and even the game of croquet, were sold at the stores. They also supplied drugs and prescriptions of medicine whereby the public were in danger of being poisoned—drugs with enormous profits, because for every 1s. invested in that trade 11½d. was profit. Besides, it must be remembered that those who sold drugs to the public ought to have some knowledge of chemistry. There was another question with regard to the article of drugs and the sale thereof, which called for the attention of the House. Now, there were surgeries, and chemists' shops, and hospitals open, where, in cases of necessity or accident in the metropolis, immediate assistance was at hand, and it would be a great calamity if it were not. Well, a chemist, perhaps at best, turned £20 a-week in his business, and for those Civil servants, engaged in co-operative stores, to clash in competition with him was not, in his (Sir Thomas Chambers') opinion, ordinary co-operation—it rather came within the meaning of the tricks of trade. He should be very glad that any anxiety felt on this subject might be allayed, and that the effects of the system to which he had alluded might be mitigated, and he hoped that some statement would be made by the Government. It was a most serious thing that a body of gentlemen connected with the Government and in the service of the country should become an organized body,

and be at liberty to go into the market and carry on dealing in competition with tradesmen in a manner which was not above-board.

Mr. FORSYTH expressed his entire concurrence in the remarks made on this subject by his hon. and learned Colleague. He wished the House to clearly understand that those who objected to these Co-operative Stores did so not because they denied the right of the Civil servants to combine to buy things wholesale and sell them retail among themselves, but because the Civil servants had become shopkeepers on a gigantic scale, and were selling not only among themselves, but also to the outside public. It was perfectly well known that these stores were not confined to the Civil servants, but that they were conducted as commercial speculations. He himself knew of a case where £80,000 had been divided among the outside public. Tradesmen very naturally said—"These Civil servants are the servants of the State; their salaries are paid out of the taxes, to which we contribute; and it is unfair that we, who have a hard struggle to live, should be forced into a disadvantageous competition in our own business with those who are paid to do the work of the State." Another objection raised by the tradesmen was that the Civil servants were supposed to devote their whole time and attention to the service of the State, and that it was an injustice to the public to allow them to become clerks, managers, and directors of these associations, where they employed time which properly speaking belonged to the State. Doubtless the practice complained of was not, strictly speaking, illegal; but what the tradesmen contended was, that it was unfair, and they hoped that the Government would not look with favour upon such a wholesale system of shopkeeping carried on by those who were in their employment.

Mr. MACDONALD said, that this was, he believed, the first effort which had been made to put a stop to the thrift and providence of a large body of the people of London, and he did hope that the House would not countenance the attempt. The hon. and learned Gentleman who brought forward the question, stated that the Civil Service Stores were not conducted on the same principle as that of the Co-operative

Societies throughout the country. Now, he happened to know how Co-operative Stores were conducted, and he ventured to say that all which had been said against the Civil Service Stores applied with equal force to all such stores throughout the country. At Rochdale, which was the home of the co-operative system, at Leeds, and other great manufacturing towns, the principle had been acted upon from the commencement, of allowing the general public to purchase in the stores. Nay, the promoters had even gone the length of giving a bonus to the public to induce them to purchase. That system had, in fact, been adopted throughout the entire country. When the Civil Service Stores were complained of, it ought to be borne in mind that, besides saving money, they were established to supply good, pure, and wholesome articles. There had been a system of adulteration and public poisoning going on for a long time, which the founders of the stores determined to put down, and it was being done effectually. They were selling real butter instead of a thing called butter, which was not butter at all, and so in like manner other articles. If shopkeepers would only copy the principles on which the stores were conducted, they would succeed in winning back their customers, and would have no occasion to come begging to this House. It had been said that those Co-operative Stores were started to serve the rich; but it was the poor that they served—they served the poor in Durham, in Lancashire, in Yorkshire, and other great manufacturing places, and those Co-operative Societies had turned millions of money in their dealings. He looked upon these institutions as one of the strongest marks of the sobriety, providence, and onward progress of the people of this country, and he trusted the Legislature would do nothing to stop their action.

THE CHANCELLOR OF THE EXCHEQUER said, the hon. and learned Member had called his attention to this subject in a tone and manner which certainly demanded attention, and of which no one, whatever might be his private opinions, had any right to complain. He had made a very temperate statement, and had so commended the question to the attention of the House. But it ought to be borne in mind that

the question was naturally one of very great difficulty, and one that was by no means free of embarrassment. For instance, in regard to one of the last points which the hon. and learned Gentleman had mentioned—that relating to the sale of drugs—he (the Chancellor of the Exchequer) might be permitted to make a suggestion which applied to the rest of the hon. and learned Gentleman's argument. Undoubtedly, if the effect of selling drugs at stores was such as in any way to endanger the public interests, it must be observed that even were the Government to take strong measures, and to put down these particular stores, there could be little doubt that the system which had been initiated, and which had proved financially, and in other respects, successful, would be at once taken up and worked by others. In that case the difficulties of which the hon. and learned Gentleman had given them an illustration in the case of drugs would present themselves under another and a similar system of association. Therefore such difficulties, if at all, must be dealt with by some general system of legislation designed to prevent such abuses. They could not be dealt with simply by the interference of Government in the way of putting down these particular associations. Attention would be given to the subject; but if any legislation was felt to be necessary it would have to be proceeded with cautiously. He would say at once that the attention of the Government would be given to any matters of that sort in order to decide whether or not any remedies were required. But with regard to the general question of the carrying on of this system by the Civil servants of the Crown, and as to whether the Government ought to interfere to prevent, limit, or regulate in any way that system, the House would perceive that two questions here arose of very considerable importance. The first was, whether the tradesmen of the metropolis had a right to complain of the competition to which they were subjected by this system? He would not for the moment discuss whether these stores or associations were properly called "co-operative," or whether they were properly called "trading." It must be very obvious to everybody that such a system, when once set on foot, could not very easily be restricted within narrow limits. The history of the Civil

Service Stores, as narrated to him, seemed to prove that. He understood the origin of the movement to have been something of this kind. A number of public servants, employed in the Post Office and elsewhere, endeavoured to provide for themselves in a manner which the hon. and learned Gentleman opposite said was perfectly legitimate. They found whenever they went to deal with the tradesmen in their neighbourhood that they were exposed to many disadvantages. They were charged the highest price for articles, and the latter were found not to be of the best quality. Those high prices were charged in order that the bad debts might be covered which were contracted by the tradesmen under the credit system. These gentlemen, who, though they lived upon narrow salaries, had a right to maintain themselves in respectability, thought they could protect themselves from many evils connected with the purchase of articles by introducing a system of co-operation which was founded on the principle of ready-money payment. No doubt that was of very great advantage to the Civil Service, and it was to the interest of the country that the servants of the Crown—especially those who lived upon low and moderate salaries—should be able to supply themselves upon moderate terms, and upon a system which prevented them from getting into debt. As he was informed, when they began to deal with wholesale dealers, the retail dealers complained of their proceedings and commenced a movement to induce manufacturers and wholesale dealers not to trade with these gentlemen. But that movement was limited; it was not sufficient to induce manufacturers and wholesale dealers to refuse to trade with these gentlemen. As a consequence of that movement, and for the purpose of self-protection, the Civil Service Supply system was extended to customers not in the employ of the Civil Service. The hon. and learned Gentleman said, these stores had become trading societies. That was a matter with which they had very little to do. He thought it would be difficult to draw a line between a system of co-operation which, as the hon. and learned Gentleman said, would be lawful and reasonable and commendable, and a system of co-operation which would be questionable and objectionable.

Looking at it as a question of competition, he could not see how a line could be drawn up to which these gentlemen might go in this matter, and beyond which they might not go. But then there was another side of the question, and one which raised considerations of extreme difficulty. That was not so much the political or the economical question as the question of the administration of the public service. Here, also, arose a very difficult point for consideration, and that was how far public servants ought to be allowed by Government to embark in business of a remunerative character outside and beyond their own duties. He confessed that was a matter which had often caused him considerable anxiety, and it was one upon which he had not even yet come to a clear and definite conclusion. No doubt, it could be contended that you engaged the services of those gentlemen, that you paid them for their time, that their time ought to be given up to you, and that it was an abuse to allow them to employ their time carrying on business on their own account. Well, if they laid down that doctrine and applied it to all the departments in which the Civil servants were engaged, they would extend the sphere of the question very considerably. Lately, Civil servants had used various other modes of increasing their incomes. It might be said they ought not to do so, and that they should confine themselves to their own departments; but so long as the Civil servant discharged the duty of his department they had no right to say to him—"You must not turn your attention to any other way of improving your circumstances." If the Civil servant gave his six or seven hours a-day close attention to the discharge of the duties of his office, and gave satisfaction, they had no right to say to him—"You must not enter into any other business." He was anxious not to come to any definite conclusion at present, the more especially as the whole question of the re-organization of the Civil Service was under review. A Commission was sitting which might soon be able to Report, and their Report might very likely contain some very valuable suggestions. All he could say was that the arguments of the hon. and learned Gentleman who brought forward the question, and who said that the Civil servants ought not to

give that time which they were not expected to give to the public service to the objects of the co-operative system, carried the question very far. But, on the other hand, it might be said the taxpayers might benefit by the system, and seeing that the co-operative system had obtained such progress in different parts of the country, he thought it would be extremely difficult to put an end to it. He, however, undertook to say that matters like this deserved the attention of the Government, and more he could not undertake to say on the question.

IRELAND—TRINITY COLLEGE, DUBLIN—THE QUEEN'S LETTER.

MR. BUTT said, he desired to avail himself of the opportunity of calling attention to the statement made by the Chief Secretary for Ireland in answer to the Question put to him by the hon. Gentleman the Member for Tralee (The O'Donoghue), and of considering a misunderstanding to which it appeared to have given rise. The question of his hon. Friend referred to the Queen's Letter to the University of Dublin, which was laid on the Table of the House on the 10th of July, and which unquestionably was of very great importance, inasmuch as it changed the constitution of Trinity College in very essential points, and, if he was correctly informed, it was not at all confined to the carrying out of the Tests Acts. He certainly was under the impression that that Letter would not be issued without a previous discussion by the House upon the subject. On the 23rd of April he asked the Home Secretary—

"Whether any application has been made by the Board or Fellows of Trinity College, Dublin, for a Queen's Letter, altering essentially the Statutes of the College; and, whether before the issue of any Queen's Letter, an opportunity will be given to the Senate of the University, or to this House, of expressing an opinion upon the proposed alterations?"—[*Hansard*, cxxviii. 985.]

Next day he read what appeared to be an accurate report of the right hon. Gentleman's speech, in which he was represented as having said that if any such application were made the Government would think it right that the Senate of the University "and" the House of Commons should have an opportunity of expressing an opinion. The Senate were convened, and had a full opportunity of expressing their opinion. He

was himself a member of that body, and if he had thought he would not have had an opportunity of discussing the matter in that House he should have made it a point to be present at the discussion in the Senate. The Senate consisted of 200 members, but could scarcely be said to represent the University itself. Assuming that he was right in supposing that a promise had been given that the matter should be discussed in that House he would ask whether it would not be better to postpone the issue of the Queen's Letter until next Session. He had reason to believe that if some slight alterations were made in it all classes and creeds might be brought to assent to the changes proposed in the University.

THE O'DONOGHUE said, he had a Notice on the Paper praying that Her Majesty would withhold Her assent from the proposed changes in the constitution of the University of Dublin. He had also moved for some Returns as to the changes, if any, made in the Tenure, Duties, and Emoluments, of the Professor of the University of Dublin during the present year, and in the absence of those Returns it would be very difficult for him to proceed. He would therefore fix the Motion which he had on the Paper for Monday next.

MR. ASSHETON CROSS was sure that had the right hon. Baronet the Chief Secretary known that this question was to be raised he would have been in his place; but in his right hon. Friend's unavoidable absence it was desirable not to enter into the matter at length. With regard to the promise which he (Mr. Cross) was supposed to have given he had been careful to reply in the very terms of the Question. He knew that the hon. and learned Gentleman was too great a master of grammar to use the word "or" when he meant "and," and in answering the Question he stated in the hon. and learned Gentleman's own language that an opportunity would be given to the Senate "or" to that House to express an opinion on the Queen's Letter. Like other hon. Members he had an opportunity of consulting the usual sources of information, and he there saw that the Answer he was reported to have given was not in the same form as that in which it appeared on the Notice Paper. He asked some of his Colleagues whether it was necessary to correct the report, and they were of

*The Chancellor of the Exchequer*



opinion that, under the circumstances, it was not. He said this without wishing to cast any reflection on those reports, which were usually—he might say almost invariably—so correct.

#### WAYS AND MEANS—PAUPER LUNATICS (SCOTLAND.)

MR. RAMSAY said, the Chancellor of the Exchequer had on the previous day intimated that it was the intention of the Government that the money to be voted in aid of pauper lunatics in asylums in Scotland should be divided according to the same rule as in England. There was very great diversity between the practice of the medical authorities in Scotland and in England with respect to the treatment of lunatics. As it was estimated that £46,000 should be voted in aid of the maintenance of insane paupers, it was very desirable that the money should be distributed in a satisfactory manner. He hoped that when the Vote was brought forward the Chancellor of the Exchequer would make a more explicit and definite statement than was made by him on the previous day.

MR. CAMPBELL - BANNERMAN wished to remark that he believed the people of Scotland were anxious that the system now in operation with regard to pauper lunatics in that country should be maintained.

THE LORD ADVOCATE said, that on the previous day the Chancellor of the Exchequer said he would consider the matter very carefully, and intimated that he would make some concession in the direction which had been pointed to. He regretted that his right hon. Friend was not then in his place; but he had no doubt that the matter would receive the fullest consideration from him.

MR. RAMSAY expressed a hope that the system of treating pauper lunatics which was being carried out in Scotland would not be interfered with.

*Resolutions agreed to.*

#### PUBLIC WORSHIP REGULATION BILL.

(*Mr. Russell Gurney.*)

[BILL 176.] [*Lords.*] COMMITTEE.

[*Progress 17th July.*]

Bill considered in Committee.

(*In the Committee.*)

Clause 8 (Representation by archdeacon, rural dean, churchwarden, or parishioners.)

Amendment proposed, in page 4, line 41, after the word "representation," to insert the words—

"And it shall be the duty of the bishop on the receipt of the representation to ascertain, so far as he is able, whether the practice specified in such representation is or is not in accordance with the established custom, and whether it is or is not in consonance with the wishes of the members of the Church of England resident in the parish, and with the wishes of the persons attending or desiring to attend the services in such church."—(*Mr. Cowper-Temple.*)

Question proposed, "That those words be there inserted."

MR. COWPER-TEMPLE said, that since he had moved the Amendment he had found that apprehensions existed in many quarters that it might be construed as extending further than was intended; and therefore, to prevent a waste of time in fruitless discussion, he was prepared to substitute other words. The purpose which he sought to effect was that when the time came for the Bishop to consider whether he should or should not give his veto to the proceedings, and when he had to deal with complaints which did not relate to any serious question of doctrine stirring up the consciences and feelings of the people concerned—when the question was one only, for example, of a direction set down in the rubric as a matter of convenience, he should be clearly entitled by the words of the Act to take into account all the circumstances of the case, as whether the rubric had become obsolete by the general consent of the people, or had failed to carry out the object with which it had been framed. He therefore proposed, if it met with the wishes of the right hon. and learned Recorder, to withdraw his Amendment as it stood, and substitute for it the words of which he had given Notice as coming in the next clause, and where it was stated that the Bishop would be bound, before he delivered an opinion as to proceeding or not proceeding with a particular case, to consider all the circumstances connected with it.

MR. LEVESON-GOWER said, that in giving Notice of the Amendment which he had placed on the Paper, he had been actuated by no wish to impede the Progress of the Bill. He did not dispute the discretion of his right hon. Friend in withdrawing his Amendment under the circumstances; but he wished to urge on the right hon. and learned Gentleman who had charge of the Bill

(Mr. Russell Gurney), the propriety of considering what some of the consequences of that measure might be, and whether he could not, even at the eleventh hour, prevent such results flowing from it as its friends would deeply regret, and which might produce a re-action against a Bill that he hoped would find favour with the community at large.

MR. RUSSELL GURNEY said, he had not the slightest objection to the introduction of such words as those which the right hon. Gentleman wished to substitute for the Amendment before the Committee. His feeling all along had been that the Bishop should exercise a certain discretion, and that could not well be done without he considered all the circumstances of the case.

Amendment, by leave, *withdrawn*.

MR. FORSYTH wished to move an Amendment in the Proviso at the end of Clause 8. That Proviso was to this effect—

“Provided, that no proceedings shall be taken under this Act as regards any alteration in or addition to the fabric of the church completed five years before the commencement of such proceedings.”

He now proposed in page 5, line 1, to substitute “two years” for “five years.” If, for example, a stone Communion Table had been put up in a church and had been patent to the whole parish for two years, that, he thought, was a long enough time to sanction it.

SIR WILLIAM HARCOURT hoped the Recorder would not accede to that Amendment. If the alteration in the fabric was illegal, it was not easy to justify the fixing of any limit of time; but if there was to be any, it ought not to be less than five or 10 years.

MR. RUSSELL GURNEY said, he must strongly object to the Amendment. The hon. and learned Gentleman seemed to forget that this Bill would not come into operation till next February. Five years was, he thought, a very moderate limit in those matters.

LORD HENRY SCOTT remarked that, not far from that House—in Westminster Abbey—there was a very beautiful reredos, and although it had passed unchallenged for five years, it might, as the clause stood, still be interfered with. He was therefore in favour of the Amendment.

*Mr. Leveson-Gower*

MR. FORSYTH, in deference to the feeling of the Committee, said, he would withdraw his Amendment.

Amendment, by leave, *withdrawn*.

MR. MONK proposed to leave out the words in page 4—

“Provided, that no proceedings shall be taken under this Act as regards any alteration in or addition to the fabric of the Church completed five years before the commencement of such proceedings.”

He considered that the lapse of five years ought not to legalize what was illegal *ab initio*.

MR. BERESFORD HOPE trusted that the hon. Gentleman would not press his Amendment. He thought two years would have been a sufficient time; but like the hon. and learned Member for Marylebone (Mr. Forsyth), he bowed to the feeling of the Committee, and regarded five years as a fair compromise. He asked the House to leave the present Proviso.

Amendment *negatived*.

Clause ordered to stand part of the Bill.

Clause 9 (Proceedings on representation).

MR. DILLWYN moved, in page 5, line 3, to leave out from “Bishop” to “shall,” in line 6. The hon. Gentleman said, if they legislated on such a subject, they ought to provide that the law should take the effect designed. One diocese might be under a Ritualistic Bishop, and an adjoining diocese under a Bishop of different views; and supposing that Ritualistic practices were complained of, a Ritualistic Bishop might pass over the complaint.

MR. NEWDEGATE wished to know whether the purport of this clause was that, if there were a repetition of an illegal action, the proceedings might not be renewed? The words in the clause were—

“Provided, that no judgment so pronounced by the Bishop shall be considered as finally deciding any question of law so that it may not be again raised by other parties.”

MR. RUSSELL GURNEY admitted that the giving of a veto to the Bishops was a limitation of the original right of persons to complain of practices which they considered illegal; but he thought the power of veto was justified by the fact that it might at times prevent the commencement of frivolous and vexa-

tious proceedings. Therefore, he could not agree with the Amendment which had been proposed. In reply to the question just put, he had to say that a settlement and an agreement between an incumbent and certain complainants would not be binding against other parishioners.

SIR WILLIAM HARCOURT said, he thought the question of the discretion to be exercised by the Bishops was one upon which the Bill might break down in practice. It was absolutely necessary that there should be uniformity of practice in dioceses as well as in parishes; and if one Bishop acted broadly upon one view, and another Bishop acted broadly upon another view, all the evils which Parliament desired to remedy would return. A discretion of this kind was given to the Attorney General by the Act of Victoria 1834-5, whereby it was provided that no proceeding could take place without the sanction of the Attorney General. If it should turn out that the discretion of the Bishop could not be relied upon, the Act might be amended. He agreed, however, in thinking that the experiment embodied in the clause under discussion ought first to be tried.

MR. ROEBUCK suggested that the difficulty might be obviated before it arose by giving an appeal from the decision of the Bishop.

MR. WALTER reminded the Committee that there was an Amendment on the Paper, to be proposed by an hon. Member opposite (Mr. Holt), which would, if carried, limit the discretion of the Bishop in a manner more becoming than would be obtained by the absolute and unqualified proposal of the hon. Member for Swansea (Mr. Dillwyn). While he thought the discretion of the Bishop ought not to be absolute, he regarded the principle of the discretionary power as an important part of the Bill. He could not, therefore, vote for the Amendment under discussion, but should support the latter one to which he had referred, and which would give an appeal to the Archbishop.

MR. A. MILLS opposed the Amendment on the grounds that he preferred to regard the Bill as one for the amendment of procedure, and that he wished to see an end put, as far as possible, to the commencement of vexatious and irritating proceedings.

MR. CHILDERS said, he hoped the Committee would retain the words in the clause. He was in favour of the principle of the Bill, and anxious as to its working well; but if these words relating to the discretion of the Bishop were taken out, the Bill would become a source of endless litigation and danger to the Church. The object of the Bill, speaking generally, was to enforce the Rubrics usually observed; but at the same time it must be borne in mind that others had fallen into desuetude. For instance, the Rubric provided, as regarded the marriage service, that the first part of it should be performed in the middle of the church, and then the people were to go to the east end. This was not observed in one church in a hundred. It was part of the Rubric that the minister should catechise the children on the Sunday afternoon, but in three out of four parishes that was not done. Again, the clergyman was to receive the names of those who wished to communicate, the day before the administration of the Holy Sacrament; but he should not think that was done in a hundred churches in England. If these Rubrics were to be put into operation, and the Bishop were not allowed to interfere, the result would be anything but that which the promoters of the Bill wished. He thought there was a good deal to be said in favour of allowing an appeal from the Bishop to the Archbishop of the province. Among 27 prelates there must be considerable diversities of opinion.

MR. DILLWYN was still of opinion, notwithstanding what had been said, that the Bishops ought not to be armed with the veto set forth in the clause. He considered that members of the Church of England had a right to something like uniformity of practice, and did not see how it was to be secured unless the Amendment were adopted.

MR. COWPER-TEMPLE said, he hoped the hon. Member would not divide upon this question. The distinction ought to be borne in mind between trivial and grave cases of non-observance or breach of law. There were cases of defiance of the law on the part of those who set up the law of tradition of the Church against the law of the land, which called for interference to compel obedience; but there were many other cases in which the letter of

the law was wisely disregarded for the convenience and benefit of the congregation with general consent. If there were no discretion vested in the Bishop, the power of the Court might be set in motion by the indiscretion of three parishioners, against customs cherished and valued by the congregation.

MR. STEPHEN CAVE observed that the Member for Swansea (Mr. Dillwyn), was in favour of absolute uniformity in each parish, but if there was one thing more than another which would cause the Bill to break down, it would be any attempt under it to establish such uniformity. What he feared was that attempts would be made to render the Bill unpopular by the institution of frivolous proceedings, and he could not but regard the discretion of the Bishop as a security for the satisfactory working of the Bill.

MR. CAWLEY said, he would be sorry to see the discretion of the Bishop absolutely taken away. They should remember, however, that the coming into operation of the Bill had been postponed to enable Convocation to propose a revision of the Rubrics, and, further, that the Bill was not meant to define the law, but to afford facilities for the carrying of it out. He hoped the discretion of the Bishop would be retained in the Bill, but that it would be modified by a provision for an appeal to the Archbishop.

MR. NEWDEGATE pointed out that the giving of a discretion to Bishops was a novelty introduced into the ecclesiastical law in 1840, and though he was not in favour of such law, he could not vote for this Amendment.

*Amendment negatived.*

MR. COWPER-TEMPLE moved, in page 5, line 3, after "opinion," to insert "after considering the whole circumstances of the case."

*Amendment agreed to.*

LORD HENRY SCOTT moved the substitution of the word "may" for "shall" in the following provision:—"In which case the Bishop shall state in writing the reason for his opinion." It might not be desirable that in all cases the Bishop should put in writing his reasons for acting. In this case, too, he ought to be allowed to exercise his discretion.

MR. DODSON said, he hoped the right hon. and learned Gentleman (Mr. Russell Gurney) would not consent to the

Amendment. The duty of having to give reasons in writing would be a great safe-guard against any capricious act on the part of Bishops.

MR. RUSSELL GURNEY said, he could not assent to the alteration proposed. He was strongly in favour of the discretion of the Bishop; but he would have some doubt as to the propriety of granting it if the Bishop were not bound to state his reasons in writing as required by the clause.

*Amendment negatived.*

MR. HOLT moved in page 5, line 6, after "diocese," to insert "and a copy thereof shall forthwith be transmitted to the person who shall have made the representation." If the Bishop was bound to give his reasons in writing, there was no reason why they should not be made public.

MR. DODSON said, that the representation would probably be made by several persons; and it would surely be enough that one of these persons should receive a copy of the reasons.

SIR WILLIAM HARCOURT moved that the words should be to "some one person" who had made the representation.

*Motion (Sir William Harcourt) agreed to.*

MR. BERESFORD HOPE moved, that a copy should be sent "to the person complained of."

*Motion agreed to.*

*Amendment, as amended, agreed to.*

MR. COWPER-TEMPLE moved to amend the clause by adding to it the following words:—

"The bishop shall, on the receipt of the representation, transmit a copy of the same to the churchwardens of the parish, and the churchwardens shall forthwith cause a copy of such representation to be affixed to the doors of the church or churches of the parish, and shall duly summon the parishioners to a meeting to be held at some time within eight days from the date of the summons, for the purpose of considering such representation; and the churchwardens shall report to the bishop the proceedings taken at such meeting, mentioning any resolution that may have been proposed, and also, so far as may be practicable, the names of those who voted for or against such resolutions."

In cases of this kind the feelings and wishes of the lay members of the Church ought not to be ignored, and it would be a great advantage to the Bishop if he could ascertain what the views of the parishioners were on the subject of the

*Mr. Cowper-Temple*

representation. He admitted that such meetings might often be very noisy and troublesome; but all manifestations of popular opinion were equally open to that objection, while the mere raising a discussion in relation to the question would tend to develop clearer, sounder, and better views on the subject in the mind of the public.

MR. ASSHETON CROSS said, he hoped that the right hon. and learned Gentleman (Mr. Russell Gurney) would not assent to this Amendment, than which he could conceive nothing more mischievous. Nothing could be more objectionable than that the Bishop, who was on his own responsibility, and sitting as a *quasi* judicial functionary, to determine whether the proceedings were to go on or not, should be influenced in his decision by what had occurred at a meeting of the parishioners called to discuss the nicest questions on subjects which stirred people to the bottom of their hearts. Let the hon. Member fancy what would be the result if an Election Judge were to call a meeting of the inhabitants of the borough whose reputation was in question in order to ascertain what the popular opinion on the subject was. The adoption of this Amendment would be most mischievous to the object in view, that of promoting peace.

SIR WILLIAM HARCOURT said, he hoped that the right hon. Gentleman would not press his Amendment, the principle of which appeared to have been borrowed from the hon. Member for Carlisle (Sir Wilfrid Lawson), inasmuch as, if it were carried, the Bill ought to be entitled the Permissive Prohibitory Conformity Bill.

*Amendment negatived.*

MR. CHILDERS moved, in page 5, line 8, before "person," to insert—

"Archbishop of the province, who shall decide whether proceedings should or should not be taken thereon. If he shall decide that proceedings should not be taken, he shall, within twenty-one days after receiving the representation, state in writing the reason for his decision, and copies of such statement shall be deposited in the registry of the diocese, and also in the registry of the province. If he shall decide that proceedings should be taken, he shall within twenty-one days after receiving the representation return it to the bishop, who shall transmit the same to the."

He observed that the hon. Member for North-East Lancashire (Mr. Holt) had an Amendment on the Paper providing

that where the Bishop decided that proceedings should not be taken, there should be an appeal to the Archbishop. These two provisions would be consistent and would help the working of the Bill. What was wanted was to insure uniformity as far as possible; but uniformity could not be secured if each of the 27 Bishops was allowed to exercise his own discretion without appeal. If his proposal were accepted we should get uniformity to this extent—that in the Province of Canterbury the representations of the parishioners, churchwardens, or archdeacon would be dealt with in an uniform way, and they would be dealt with in an uniform way also in the Province of York. More uniformity than that we could not get; but it would be a decided improvement on what we should obtain under the Bill as it stood.

MR. ASSHETON CROSS said, he hoped neither the Committee nor his right hon. and learned Friend (Mr. Russell Gurney) would accept the Amendment. It would be fatal to interfere with the discretion of the Bishop. There was a certain variety allowed in the services of the Church, and he thought that it should be left to the discretion of the Bishop to decide whether a case should proceed.

SIR WILLIAM HARCOURT opposed the Amendment, but intimated that he would support that of the hon. Member for North-East Lancashire (Mr. Holt). Where a Bishop was of opinion that there had been a violation of the law, the question ought to go before the Judge; but where he decided that proceedings should not be taken, he (Sir William Harcourt) certainly thought there should be an appeal to the Archbishop. A short time ago a Bishop presented a Petition to Convocation, declaring that those who signed it did not consider the decision of Her Majesty in Council to be final. He (Sir William Harcourt) should be dissatisfied to have to bow to the decision of a Bishop who would present such a Petition as that to Convocation.

LORD HENRY SCOTT said, he thought that, in accordance with the order in the preface to the Prayer Book, it should be left to the discretion of the Bishop whether he should take the opinion of the Archbishop.

MR. HOLT said, he could not support this Amendment. If the Bishop thought

it right that a case should be tried, the case ought to go before the Judge.

Mr. WALTER said, the limitation of powers proposed by his right hon. Friend the Member for Pontefract (Mr. Childers) was not all analogous to that which the hon. Member for North-East Lancashire (Mr. Holt) intended to propose. He might illustrate the matter by what occurred before a bench of magistrates. Many cases were brought forward at Petty Sessions which the magistrates, instead of sending for trial to a higher Court or Quarter Sessions, dismissed. That was an exercise by them of a *veto*. If they abused the power they would hear of it from the Home Secretary or the Lord Chancellor. But whoever heard of a person appealing to the Home Secretary or the Lord Chancellor against a case being sent for trial to the Quarter Sessions? That was the sort of appeal which his right hon. Friend proposed to give in ecclesiastical cases.

Mr. RUSSELL GURNEY said, he could not see that where the Bishop decided that proceedings should be taken there should be any appeal to the Archbishop.

Mr. CHILDERS said, he had moved the Amendment thinking it would go well with the appeal which the hon. Member for North-East Lancashire intended to propose. To give an appeal where the Bishop refused to proceed, and to refuse it where he consented, would be a very one-sided appeal. However, he would not press the Amendment.

Amendment *negatived*.

Mr. BERESFORD HOPE moved, in page 5, line 11, to leave out "without appeal," and insert "as hereinafter provided."

Mr. RUSSELL GURNEY considered that the case put by his hon. Friend would be provided for by a paragraph which he proposed to insert at line 20.

Amendment, by leave, *withdrawn*.

Mr. RUSSELL GURNEY moved, in line 20, to insert as a new paragraph,—

"The parties may at any time after the making of a representation to the bishop state any questions arising in such proceedings in a special case signed by a barrister at law for the opinion of the Judge, and the parties after signing and transmitting the same to the bishop may require it to be transmitted to the Judge for hearing, and the Judge shall hear and de-

termine the question or questions arising thereon, and any judgment pronounced by the bishop shall be in conformity with such determination."

SIR WILLIAM HARCOURT said, he hoped before the Bill was reported that sufficient machinery would be provided for making the decision by arbitration have the same and vital effect as the decision by the Judge.

Mr. DODSON proposed that "join in stating" should be substituted for "state."

Amendment, as amended, *agreed to*.

Mr. HOLT moved an Amendment to the effect that where the Bishop decided that proceedings should not be taken there should be an appeal to the Archbishop. He concurred in thinking that a discretion should be given to the Bishop; but he did not think that he should have an absolute veto on all proceedings. There might be different views taken in different dioceses; but if there was an appeal to the Archbishop, and if the Archbishop acted on the same principle, there would probably be a greater uniformity in the administration of the law.

Amendment proposed, after the last Amendment, to insert the words—

"Provided also, That if such bishop shall be of opinion that proceedings should not be taken on any representation, it shall be lawful for the person making such representation to cause notice to be served on such bishop (which notice may be served by depositing the same in the registry of the diocese), and also on the person complained of, that it is his intention to appeal against the decision of such bishop to the archbishop of the province within which such diocese is situate; and thereupon such bishop shall cause the representation, the declaration, and the statement aforesaid deposited in such registry to be sent to such archbishop; and such archbishop shall within one month return such documents to such bishop with his decision thereon in writing confirming or annulling the decision of such bishop, which several documents shall be deposited in the registry of such diocese, and if the decision of such archbishop so require, such bishop shall within twenty-one days after receiving such decision proceed as hereinbefore directed, in the case of his deciding that proceedings shall be taken on the representation."

—(Mr. Holt.)

Question proposed, "That those words be there inserted."

Mr. BERESFORD HOPE trusted his right hon. and learned Friend the Recorder would not accept this Amendment. The whole object of leaving cases to the discretion of the Bishop was to prevent

*Mr. Holt*

frivolous objections, and he could conceive nothing more demoralizing than that a person who made a frivolous complaint should be allowed to take the matter before the Archbishop. If an appeal to the discretion of the Archbishop were allowed the Bill would become a machine for promoting uniformity not of public worship, but of public dissension.

LORD HENRY SCOTT said, he hoped the Amendment would not be pressed.

MR. WALTER, on the other hand, trusted the hon. Member for North-East Lancashire would stick to the Amendment, and that his right hon. and learned Friend in charge of the Bill would adopt it. The hon. Member for the University of Cambridge (Mr. B. Hope) had attempted to answer the arguments of the hon. Member for North-East Lancashire by simply begging the question. The hon. Gentleman said an appeal would be made in all kinds of frivolous cases. Now, that was just the class of cases in which an appeal would not be made. The object of the Amendment was to guard against the possible danger which might arise if a Bishop of very strong opinions chose to ignore a case which he ought to take up.

MR. J. G. TALBOT differed from the hon. Member for Berkshire (Mr. Walter), and thought the persons who made the most vexatious and frivolous complaints were the persons most likely to carry on an appeal to any quarter they could find. He trusted the Committee would not, after having consented to allow a discretion to the Bishop, nullify that consent by giving an appeal to the Archbishop, who could not know the circumstances of the parish.

MR. DODSON said, he had not much confidence in the statement of the hon. Member for Berkshire that frivolous cases would not be taken up to the Archbishop. On the contrary, he thought parochial personages who wished to give themselves importance, would not be unwilling to add to their first importance by making an appeal. Still, the Committee had to choose between two difficulties. The objection to allowing appeals to lie to the Archbishops was that they would be placed much in the position of twin Popes; but, on the other hand, Bishops would differ in opinion unless a controlling authority were established, and there would be different uses

in different sees. The present Amendment would not impose any great amount of labour on the Archbishop, who would not be bound by it to go into the question at all. If he had confidence in the Bishop from whom the appeal was made, and he judged that the case was a frivolous one, and that the appeal was sent up in order that the complainant might acquire additional importance, he would at once endorse the decision of the Bishop. The power of appeal to the Archbishop would make the Bishop proceed carefully, and afford increased security against the action of an eccentric or partizan Bishop.

MR. CAWLEY said, this was not an appeal to the Court, but a reference of the reasons given by the Bishop to the Archbishop, and this was desirable in the interests of uniformity. The notice, however, should be given "to the person complained of," and he moved the insertion of those words.

SIR WILLIAM HARCOURT said, he hoped the right hon. and learned Recorder, in forming his view of the Amendment, would consider by whom it was supported and by whom it was opposed. It was opposed by Gentlemen who had conscientiously opposed this Bill from the commencement. He wished to prevent a High Church Bishop deciding one way, and a Low Church Bishop another. The hon. Member for West Kent (Mr. J. G. Talbot) said, the Archbishop would not know the circumstances of each parish; but it was not to be supposed he would go and overrule the Bishop except for a very grave reason. A frivolous objection which had been rejected by the Bishop would be rejected by the Archbishop. It was the well-founded objection which the Archbishop would be required to support against the indiscreet Bishop, if there were one, and the right hon. Member for Greenwich (Mr. Gladstone) only speculated on there being one. It was only in the case of an indiscreet determination not to enforce the law that the power of appeal was wanted. He therefore hoped the right hon. and learned Recorder would tell them he was able to accept the Amendment.

MR. RUSSELL GURNEY said, it was not for him but for the Committee to determine whether the Amendment should be accepted. He should be content to leave the discretion of the Bishop

unfettered; at the same time, he did not see any objection to the appeal to the Archbishop in this case. He did not think the evils which had been suggested would arise, and it was impossible for him to resist the very strong opinion which had been expressed by the Committee.

MR. HUBBARD (*London*) said, he was very much in favour of attaining uniformity; but even if only a qualified trust were placed in the Bishops it would be exceedingly hard to deprive them of all power of resisting injudicious complaints. The great object they ought to have in passing such a Bill as this was to preserve as much deference as they could for the court and authority of the Bishop; otherwise they should be setting up a Pope in England, and of the two dangers he thought the less would be an indiscreet Bishop. For these reasons, and because he supported uniformity, he must oppose the Amendment.

Amendment amended by inserting the words "and the person complained of."

MR. GREGORY proposed to omit the words requiring the Archbishop to give the reasons for his decision in writing, confirming or annulling the decision of the Bishop.

MR. SPENCER WALPOLE considered it desirable that the words should be retained.

MR. HOLT said, he thought it would be sufficient to strike out the words requiring the Archbishop to give the reasons for his decision.

MR. CHILDEERS said, the Archbishop should only be required to give his reasons when he rejected the appeal.

MR. DODSON considered it desirable to adopt the proposition of the hon. Member for East Sussex (Mr. Gregory.)

THE ATTORNEY GENERAL said, he thought it would be sufficient to strike out the words requiring the Archbishop to give the reason for his decision.

MR. GREGORY said, he was willing to adopt the suggestion of the hon. and learned Gentleman.

*Words struck out.*

On Motion of MR. RUSSELL GURNEY, after "shall proceed as hereinbefore directed," words inserted "in the case of his deciding that proceeding shall be taken on the representation."

*Mr. Russell Gurney*

Question, "That the said Amendment, as amended, be agreed to," put.

The Committee divided:—Ayes 103; Noes 37: Majority 66.

MR. BERESFORD HOPE moved, in line 26, to leave out from "at any," to "province or," in line 27. He trusted that the right hon. and learned Gentleman would accept this Amendment, because as the Bill stood the provincial Judge might try the case at the little village where it happened, or in the metropolis. There was such a thing as having law too cheap; but in this case it would probably cost as much to take the lawyers down as to bring the witnesses up. But it might not only create much scandal to have the trial in the village school or perhaps the village ale-house, but permanently weaken the influence of the clergyman although he escaped unscathed. In all ways it would be a more dignified proceeding to have the trial in London.

SIR WILLIAM HARCOURT said, he hoped this would not be assented to. The Judge might possibly have to inspect the church.

MR. RUSSELL GURNEY said, he did not wish to drag parties up to London or Westminster against their will; but he had proposed a Proviso which he thought would answer the object of the hon. Member (Mr. Beresford Hope)—namely, in page 5, line 27, to leave out the second "or," and insert "Provided that if the parties consent, the matter of the representation shall be heard in."

MR. GRANTHAM said, he thought the trials in all cases should take place in London, as that would be much the cheaper arrangement. When there were special pleas, and barristers were taken into the country, their fees were heavier than in London.

THE ATTORNEY GENERAL FOR IRELAND (DR. BALL) said, that in the case of a disputed ornament or decoration it might be desirable for the Bishop to visit the church. If, on the other hand, some abstract question of law were at issue, it would be cheaper for the parties to have it argued in Westminster Hall instead of bringing counsel down with large retaining fees into the country. It would be better therefore to leave the matter to the discretion of the Archbishop or Bishop.



MR. FORSYTH agreed that the matter had better be left to the discretion of the Bishop.

SIR WILLIAM HARCOURT said, it would be undesirable that the party with the longest purse should have the advantage.

MR. RUSSELL GURNEY said, he thought the parties ought to have a voice in the matter.

Amendment and Proviso, by leave, *withdrawn*.

MR. BERESFORD HOPE moved in line 28 (the Judge shall give not less than 21 days notice to the parties of the time and place at which he will proceed to hear the matter of the said representation), to leave out "21," and insert "28."

Amendment proposed, in page 5, line 28, to leave out the words "twenty-one," in order to insert the words "twenty-eight."—(*Mr. Beresford Hope*.)

Question put, "That the words 'twenty-one' stand part of the Clause."

The Committee divided:—Ayes 47; Noes 83: Majority 36.

Amendment *agreed to*.

On Motion of MR. RUSSELL GURNEY, all the words after "Her Majesty in Council," in page 6, line 25, down to the end of the clause, were omitted.

MR. FRESHFIELD (for MR. GREORY), moved in page 6, line 28, at end of clause to add—

"The Judge may, on application in any case, suspend the execution of such judgment or monition pending an appeal, if he shall think fit."

THE ATTORNEY GENERAL said, he thought the addition of the words hardly necessary. It was in the power of any Judge to direct that the execution of any order which he might make should be suspended.

MR. GRANTHAM said, he thought that where there was an appeal the judgment or monition ought not be enforced until the appeal was determined, unless the Judge should otherwise order.

THE ATTORNEY GENERAL FOR IRELAND (Dr. BALL) thought the safest course would be to insert the words.

Amendment *agreed to*;

Clause, as amended, *added* to the Bill.

Clause 10 (Registrar of the diocese to perform duties under the Act).

MR. RUSSELL GURNEY moved the omission from the end of the clause of the Proviso that the fees to be paid to the Registrar of the diocese or his deputy for the performance of his duties under the Act should not in any one suit amount to a larger sum than three guineas.

Amendment *agreed to*.

Clause, as amended, *agreed to*.

Clause 11 (No fresh evidence to be admitted on appeal) *agreed to*.

Clause 12 (Inhibition of Incumbent).

MR. BERESFORD HOPE moved the omission of words which would render it unlawful for the patron to appoint to any benefice the incumbent by whom it was avoided under the Act.

MR. RUSSELL GURNEY opposed the Amendment, remarking that the people in the parishes were to be considered as well as the incumbents.

Amendment, by leave, *withdrawn*.

Clause, as amended, *added* to the Bill.

Clause 13 (Faculty not necessary in certain cases).

MR. RYDER moved in page 8, line 9, to leave out "gratuitously," and insert—

"(if unopposed) for a total of fees not exceeding two guineas (exclusive of stamp duty), and in accordance with a scale recently adopted in the diocese of Canterbury, and approved by the Archbishop of Canterbury on the twenty-eighth day of June, one thousand eight hundred and seventy-three."

MR. MONK supported the Amendment, as he thought the Proviso in question was unadvisable and would work unjustly. Some one would have to pay the stamp duty on the Faculty, and it ought to be made clear whom it was intended to make liable to do so.

MR. BERESFORD HOPE feared great inconvenience would be occasioned to the clergy if upon every alteration of the fabric of the church, such for instance, as the introduction of an "eagle" for a reading desk, or the substitution of open seats for a pew, a Faculty should be applied for.

MR. RUSSELL GURNEY pointed out that under the clause as it stood no inconvenience could arise save in cases in which the Bishop directed proceedings to be taken—that was to

say, in cases where a breach of the law was supposed to have been committed. He moved that the word "gratuitously" should be retained in the Proviso and the words inserted after it "with the exception of the stamp duty."

Mr. ASSHETON CROSS concurred in the Amendment of the right hon. and learned Recorder.

Mr. WAIT objected to the retention of the word "gratuitously."

Amendment (*Mr. Russell Gurney*) agreed to.

Clause, as amended, *agreed to*.

Clause 14 (Service of notices) *agreed to*.

Clause 15 (Substitute for bishop in case of illness).

Mr. BERESFORD HOPE moved, in page 8, line 16, after "if," to insert "any Bishop be patron of the living proceeded against, or if," the effect of which would be to transfer to the Archbishop in such case, as well as in the case of a Bishop incapacitated by illness, the discharge of the duties imposed by the Act.

Amendment, by leave, *withdrawn*.

Mr. MONK moved, in page 8, line 16, after "bishop," to insert—

"Shall be patron of the benefice or of any ecclesiastical preferment held by the incumbent against whom a representation shall have been made, or."

Amendment *agreed to*.

Clause, as amended, *ordered to stand part of the Bill*.

Clause 16 (Application of Act to cathedral churches).

Clause 17 (Limitation of proceedings against incumbent) *agreed to*.

Mr. RUSSELL GURNEY moved the omission of the clause. He had provided for the cathedral churches in another part of the Bill.

Clause *struck out*.

Clause 18 (Rules for settling procedure and fees under this Act).

Mr. MONK moved, in page 9, line 30, after "persons," to insert "one of them being the Lord High Chancellor or the Lord Chief Justice of England."

Mr. RUSSELL GURNEY considered the Amendment a desirable one.

Amendment *agreed to*.

Clause, as amended, *added to the Bill*.

*Mr. Russell Gurney*

Clause 19 (Chapels, &c. to which Act not to extend.)

Mr. RUSSELL GURNEY moved, in page 10, line 7, after "Durham," to insert as a separate paragraph "the university church of any of the said universities when used by such university."

SIR WILLIAM HARCOURT said, that Amendment showed that that clause really ought not to be in the Bill at all. He was glad that the noble Lord the Vice President of the Council had given Notice of an Amendment to strike out all those exemptions. Why should there be those exemptions? If there were any churches in the land in which the law should be more scrupulously observed than in any others, they were the University churches. Then, again, as to the chapels of colleges and halls, why were young men to be brought up in practices of that kind? Why, too, were the Temple Church, and the chapels of Gray's Inn, Lincoln's Inn, and the Rolls to be exempted from the observance of the law? If they wanted to put these practices down in parish churches, surely they ought also to put them down in chapels coming under the Public Schools and the Endowed Schools Acts. He hoped the Vice President of the Council would move his Amendment for expunging that clause altogether.

Mr. ASSHETON CROSS said, he hoped the Committee would consent to strike out that clause. He could not really see on what principle they could say that the services of the Church were to be performed according to the Rubric, in places which were attended by the old, but not in places which were attended by the young. The chapels might be private to a certain extent; but they were only sanctioned to carry out the worship of the Church of England as established by law.

Mr. BERESFORD HOPE said, the right hon. Gentleman seemed to have altogether forgotten the University Tests Act passed by the last Parliament, which took college chapels out of the operation of the Act of Uniformity, under which it was now desired to place them. In that Act it was set forth that it should be lawful for any visitor of one of those colleges, on the request of the Governing Body, to authorize from time to time on week days any abridgment or adaptation of the service, instead of that set down in the book of Common Prayer,

and in the succeeding year the Act of Uniformity Amendment Act provided that nothing which it contained should effect the exemption which had been made with respect to the chapels at Oxford, Cambridge, Durham, &c. He would make the assumption that his hon. and learned Friend the Member for Oxford (Sir William Harcourt) sometimes attended the University church on Sundays, and, if so, he must be aware that the service at 2 o'clock at St. Mary's, Cambridge, or at the analogous church at Oxford, was not conformable to the Act of Uniformity, nor was it desirable, he thought, that three parishioners should be allowed to meddle with it. If his hon. and learned Friend wished, he might move that the chapels of the Inns of Court should be struck out of the list of exemptions; but to strike out the chapels in the Universities would be to cause great embarrassment and inconvenience, and to cast a very unmerited slur on grave and ancient institutions. [*A laugh.*] It was all very well for hon. Gentlemen behind him to laugh; this was Conservative re-action, to destroy those ancient forms of public worship in the Universities which had been of old created out of regard to their peculiar wants and duties. He had it from the highest authority at Cambridge, that if those exemptions were omitted from the Bill very great vexation and exasperation would be the probable result. So strongly did he feel on the subject that he should certainly take the sense of the Committee with respect to it.

VISCOUNT SANDON said, he did not think the point raised by the hon. Member for Cambridge University was a very important one. The University Tests Act provided that there might be abridgments in the services; but it did not provide that the law of the Church should be broken generally. The effect of this clause would be very wide and very serious, and he hoped the Committee would carefully consider before passing it. He must not only protest against any additions to the exemptions already contained in the Bill as it came down to them from "another place": but he must beg the House to examine well these exemptions themselves: and later, in accordance with the Notice he had placed on the Paper, he should ask the House to get rid of

all these exemptions, and thereby to enact that the same provisions for the observance of the laws of the Protestant Church of England should be made for the chapels in which the large portion of the youth of the country was educated, as for the Parish churches. In the Act of Uniformity special provision was made by Parliament for extending its provisions for securing uniformity in our Reformed Public Worship, to the chapels of the colleges at the Universities, and to those of our then leading Public Schools. Our ancestors being well aware of the importance of preventing the leading youth of the country from being brought up in a form of worship contrary to that authorized by law in the Church of England. But what did this clause of the Bill do? This clause would exempt from the operation of the Act, in opposition to the whole spirit of the former Acts of Uniformity, not only the chapels of all schools, hospitals, asylums, public and charitable institutions, but would also sweep into this exemption the chapels of all the endowed grammar schools of the country, and the chapels of Eton, Winchester, Westminster, Charter House, Harrow, Rugby, and Shrewsbury; as well as the chapels of the Colleges of Oxford, Cambridge, and Durham, and then, to go further, the chapels of Lincoln's Inn, Gray's Inn, the Temple, and the Rolls. By this clause, the Committee would be, in fact, authorizing the use of unlawful ceremonies in the whole of the schools, colleges, and Universities in the land. A complete scheme was here laid down by which the whole of the leading youth of the country might be brought up accustomed to services alien to the spirit of our Reformed Church, and which, be it remembered, had been declared unlawful by the Courts, and against which Parliament was now, under the guidance of the two Archbishops, with remarkable unanimity, taking special precautions. This exemption began with the picked children at our Charitable Institutions: it then extended to the flower of the lower middle class who would be educated at our reformed grammar and endowed schools: it took in the children of the upper classes at all the great public schools: it followed them all to our ancient Universities; and provided for the existence of

such services even when they entered the Inns of Court. He again asked the Committee to pause before passing such a clause, for he felt confident that the country when the case was fully laid before it, would never permit such exemptions to prevail, or allow such a danger to exist of all her more cultivated youth being subjected to the influence of practices and ceremonies in their chapels, against the prevalence of which in our churches generally the nation had demanded, in an unmistakable manner, the interference of the Legislature. He should certainly take the sense of the House upon this subject, and, in accordance with his Notice, should move at the proper time the omission of the whole clause.

Mr. GATHORNE HARDY contended that, though the clause was left out, there would be no means under the Bill of dealing with the chapels in Universities as with parish churches, which had connected with them archdeacons, churchwardens, and parishioners. The machinery for putting its provisions into operation would, therefore, in the case of the former be wanting, and if the clause were not retained, some new machinery would have to be established. The University church did not come under the Act of Uniformity, and therefore it must have an exemption, or people would say that the services were not being performed in the authorized way. With respect to the Amendment immediately before the Committee, it seemed to him to be a most reasonable proposal.

SIR WILLIAM HARCOURT maintained that the passage quoted by the hon. Member for the University of Cambridge (Mr. Beresford Hope) with respect to the visitor being entitled to authorize a particular form of service on week days did not prove that the chapels in question had been taken out of the operation of the Act of Uniformity. That, moreover, was not the sort of thing which the present Bill proposed, because it said that all those colleges and chapels without the leave of the visitor might do as they liked. In reply to the remarks of the right hon. Gentleman the Member for the University of Oxford (Mr. G. Hardy), he might observe that if no machinery were provided in the Bill for putting its provisions into operation in the case of University chapels,

the necessary machinery might very easily be supplied in the Report. They were going to do that in another matter; and the case of cathedral and collegiate churches, and the case of these chapels were *in pari imperio*. It should be remembered that the University of Oxford, at times, had not been uniformly Protestant. By this clause the very churches would be exempted to which it was most important to apply the provisions of the Bill. It was to be hoped no such invidious distinctions would be made, and that machinery would be provided for dealing with these as well as other churches.

Mr. SPENCER WALPOLE said there was no objection to the Universities and Colleges being under the Act of Uniformity. The objection of the hon. Member for the University of Cambridge was that the Committee was going to reverse that which Parliament had settled upon a great settlement of a very important question—namely, the admission of persons not members of the Church of England to the colleges in the Universities. The University Tests Act allowed, upon the ground of liberality, to non-members of the Church, with the consent of the Bishops and on the application of the Governing Body, certain shorter services to be used on week days, and to reverse that would be to throw back the legislation of the country instead of advancing it. He objected to omit this clause, unless a proper provision was made for securing that which was intended to be secured by the University Tests Act for the benefit both of Churchmen and non-members of the Church.

Mr. ASSHETON CROSS said, he thought they seemed to be rather running away from what was proposed to be done. It was said that there was no machinery for dealing with this class of cases, but that might be obviated by bringing up a clause on the Report. Under the first sub-section of Clause 8 the offences chargeable related to the introduction of forbidden decorations, and the clause went on to provide for the case of those clergymen who had made, or permitted to be made, any unlawful addition to, alteration of, or omission from the services, rites, and ceremonies enjoined. A clause might be inserted in the Report which would save the University Tests Act.

Mr. SPENCER WALPOLE said, that he should be satisfied if they agreed upon the Report to insert a clause that nothing in this Bill should alter or affect the provisions contained in the University Tests Act, or the Act of 1872, with reference to this matter.

Mr. FORSYTH pointed out that, as the Bill made it unlawful on the part of the incumbent, to fail to observe the directions in the Book of Common Prayer, it would have the effect of over-riding the provisions of the University Tests Act.

Mr. DODSON said, he thought it immaterial whether the clause was retained or not, inasmuch as if it was struck out there would be no machinery for the enforcement of the provisions of the Bill, in so far as the college chapels were concerned. At the same time, for the sake of clearness, he would prefer to see it retained. Perhaps it would be better, under the circumstances, to reserve consideration of the matter till the Report, when they would have an opportunity of dealing again with the machinery.

Mr. MOWBRAY would appeal to the right hon. and learned Recorder to let the clause stand as it was. The phraseology of Clause 8 had nothing whatever to do with college chapels.

THE ATTORNEY GENERAL FOR IRELAND (Dr. BALD) said, if there was a defect in the language of the clause as was suggested, that defect, so far as concerned the wording of this Bill, applied to every Protestant Church in England, because the Act of Uniformity was in force with reference to a parish church just as much as it was in force with reference to churches and chapels of colleges. In the case of a parish church, the ordinary might give his sanction to the mode of performing the service—in the case of a college church or chapel the visitor had the power of giving directions on that subject.

Mr. BERESFORD HOPE said, the general principle laid down in the Bill was that the worshippers had a right to call their ministers to account for deviations unauthorized. But who were the worshippers in a college chapel? Undergraduates *in statu pupillari*. How could they expect these young men to call their superiors to order? In parish churches the congregations would find

no difficulty in doing so, but to encourage undergraduates to set themselves up as the dictators of the college authorities was simply to strike a blow at discipline.

VISCOUNT SANDON said, it was surely most important that obedience to the law should be specially insisted upon in the great educational institutions of the country. The youth who were educated in them should be subject to the same law in this respect as prevailed in parish churches or chapels—namely, the Act of Uniformity. Who should complain of breaches of the law, and to whom those complaints should be addressed were only matters of detail, and could easily be arranged before the Report: but the question raised by the clause was clearly of the gravest importance: the matter would not stand as it did before the passing of this Bill; but this special exemption of the school and college chapels would probably be held to convey somewhat of a sanction from the Legislature to the introduction and continuance of practices and ceremonies in these chapels which were condemned in Parish churches.

SIR WILLIAM HARCOURT, referring to the objection of the hon. Member for the University of Cambridge (Mr. B. Hope) that the clause would enable undergraduates to call their superiors to order with reference to the mode of conducting Divine Service, said, that objection could be removed by altering the clause so as to enable only the parents of undergraduates to make complaints on that subject.

Mr. HENLEY said, that when during the last 20 years they had done everything to disassociate the Universities from the Church of England, it seemed strange that attempts should be made to bring these chapels, which were strictly private, within the operation of the Bill. At Oxford it had been a vexed question as to the colleges repudiating the jurisdiction of the Bishops. Were they going, by a side-wind, entirely to do away with the charters and foundations of these colleges, and place them under a jurisdiction that at present they were not subject to? This was the great difficulty that he had. He had seen several occasions where the jurisdiction of the Bishop in the University had been successfully resisted;

and if they were going to strike out the exemption clause they could not leave the matter in that position.

MR. CAWLEY pointed out that the definition of a church in the Bill was a place of public worship in which the incumbent was bound to conduct Divine Service according to the Book of Common Prayer; and if it were true that these chapels were not bound so to conduct the service, then the Bill did not touch them at all. If, on the other hand, they were bound to conduct Divine Service according to the Book of Common Prayer, then there should be no exemption.

MR. NEWDEGATE objected to the inclusion of the chapels of public schools among the list of exemptions, because it involved the assumption that the services in these chapels were not conducted in accordance with the Book of Common Prayer, and in its present form the clause might be interpreted as leave to depart from the customary mode of conducting public worship.

MR. RUSSELL GURNEY said, the only doubt he ever had as to college chapels being included under the operation of the Bill arose from the provisions of the University Tests Act. It appeared however, that the Bill would only apply to cases where the service of the Church of England was required to be performed according to the Book of Common Prayer. It would, therefore, apply to those chapels on Sunday, but not on other days when the shorter services authorized by the University Tests Act were performed. He would withdraw his Amendment, and vote for striking out the clause.

Amendment, by leave, *withdrawn*.

Question put, "That the Clause stand part of the Bill."

The Committee *divided*:—Ayes 53; Noes 200: Majority 147.

MR. RUSSELL GURNEY moved to leave out Clause 16, and insert the following clause—

(Provisions relating to cathedral or collegiate church.)

"The duties appointed under this Act to be performed by the bishop of the diocese shall in the case of a cathedral or collegiate church be performed by the visitor thereof.

"If any complaint shall be made concerning the fabric, ornaments, furniture, or decorations of a cathedral or collegiate church, the person

complained of shall be the dean and chapter of such cathedral or collegiate church, and in the event of obedience not being rendered to a monition relating to the fabric, ornaments, furniture, or decorations of such cathedral or collegiate church, the visitor, or the judge, as the case may be, shall have power to carry into effect the directions contained in such monition, and if necessary to raise the sum required to defray the cost thereof by sequestration of the profits of the preferments held in such cathedral or collegiate church by the dean and chapter thereof.

"If any complaint shall be made concerning the ornaments of the minister in a cathedral or collegiate church, or as to the observance therein of the directions contained in the Book of Common Prayer, relating to the performance of the services, rites, and ceremonies ordered by the said book, or as to any alleged addition to, alteration of, or omission from such services, rites, and ceremonies in such cathedral or collegiate church, the person complained of shall be the clerk in holy orders alleged to have offended in the matter complained of, and the visitor, or the judge, as the case may be, in the event of obedience not being rendered to a monition, shall have the same power as to inhibition, and the preferment held in such cathedral or collegiate church by the person complained of, shall be subject to the same conditions as to avoidance, notice, and lapse, and as to any subsequent appointment, presentation, collation, or nomination thereto, and as to due provision being made for the performance of the duties of such person as are contained in this Act concerning an incumbent to whom a monition has been issued, and concerning any benefice or other ecclesiastical preferment held by such incumbent."

Clause read a second time and *added* to the Bill.

MR. GREGORY moved after Clause 10, to insert the following clause:—

(Parties may appear in person or by proctor or solicitor.)

"In any proceedings under this Act any person, whether complainant or defendant, may appear either by himself in person, or by any proctor or any solicitor of the Supreme Court."

Clause read a second time and *added* to the Bill.

MR. BERESFORD HOPE moved the following clause—

(Proceedings in case of bishops.)

"If ten inhabitants of the diocese resident during the preceding twelve months, of whom three at least shall be incumbents, shall be of opinion that the bishop thereof has in any church or burial ground within the diocese (1st) used any unlawful ornament of the minister of the Church, or (2nd) failed to observe the directions contained in the Book of Common Prayer relating to the performances in such church or burial ground of the services, rites, and ceremonies ordered by the said book, or has made any unlawful addition to, alteration of, or omission from such services, rites, and ceremonies, such inhabitants may, if they think fit, represent the same to the Metropolitan by send-

*Mr. Henley*

ing to him a form as contained in Schedule (C) to this Act, duly filled up and signed, and accompanied by a declaration made by them under the Act of the fifth and sixth year of the reign of King William the Fourth, chapter sixty-two, affirming the truth of the statements contained in the representation.

"Such representation shall only relate to matters which have occurred within six months from the date of the sending thereof to the Metropolitan.

"The Metropolitan may, if he think fit, within six months after he has received a representation in manner agreed proceed to consider the same in his Provincial Court, in public, with the assistance of the judge of his Provincial Court and two or more bishops of the province, to be chosen in the manner directed in the rules and orders; and the Metropolitan shall, after due consideration, pronounce judgment in regard to such representation, and if the judgment so require shall issue a monition to the Bishop in the form prescribed in Schedule (E) to this Act, admonishing him to refrain from such unlawful acts or omissions.

"The persons making the representation, or the bishop, may appeal within twenty-eight days after judgment has been given to Her Majesty in Council, and in such case the appeal shall be heard and determined in the same manner as if it had been an appeal from the Court of Appeal of the province.

"A copy of such monition shall be sent within twenty-eight days from the date thereof to the bishop; and if, whilst a monition is in force, it be shown to the satisfaction of the Metropolitan in his provincial court, after notice to and hearing of the bishop, that obedience has not been paid to such monition, or to the part thereof (if any) which shall not have been annulled on appeal, the Metropolitan shall thereupon, unless the bishop shall show sufficient cause to the contrary, inflict upon the bishop such ecclesiastical censure or censures as shall be prescribed by the rules and orders.

"Provided always, That if the bishop so proceeded against shall be the Archbishop of Canterbury or of York respectively, then the representation shall be made to the Metropolitan of the other province, who shall, if he think fit, proceed to hear the same as hereinbefore provided, with the assistance of the judge of his provincial court, and of two or more bishops of his province."

The hon. Member observed that as every other clergyman in the land was to be subject to the operation of the Bill he thought there could be no objection to bring within the meshes of the law those, above all, whose duty it was to set an example of obedience to it. In bringing the Bishops within the framework of the Bill he thought the Committee would agree with him that there should be safeguards to protect them against vexatious proceedings, and to that end he had taken care to provide that the parties to institute proceedings against a Bishop should not be a chance churchwarden and

three parishioners, but 10 inhabitants of the diocese resident during the preceding 12 months, of whom three at least should be incumbents. The representations to be made, also, were to go back only six months, instead of five years, as in the case of an incumbent, subject to the penalties of the Act.

Clause brought up, and read the first time.

Motion made, and Question proposed, "That the Clause be read a second time."

MR. RUSSELL GURNEY said, he hardly thought that the hon. Gentleman, in proposing this clause, seriously intended the House to adopt it. So far from contributing to uniformity, it would introduce a system different from that of the Bill, which proceeded on the principle of having a clergyman tried by a Judge. The Bill proceeded on the principle of amending the procedure, and enforcing the provisions of the Church Discipline Act, so far as related to the fabric of the Church and religious worship; but the Bishops were not included in that Act; and therefore the new clause departed from the scope of the Bill. There had been no such complaints of Bishops as would render it necessary to include them, and the clause was drawn in such a way as to suggest that it was not intended to work.

MR. WAIT said, he hoped the Committee would support the clause. He was sorry to hear the right hon. and learned Recorder suggest that the mover of it was not serious. It was a serious clause, and it was consistent with the principle that the Bill should countenance no exemptions, and that every one, high and low, Church dignitary or simple priest, should be within the scope of the Bill. They protested against the infallibility of a foreign Bishop, and they ought not to proceed on the assumption that English Bishops were infallible. As respected the working clergy, it would be a healing clause, because it would show that the Bill was not aimed at them exclusively.

MR. BERESFORD HOPE assured the Committee he was serious in moving the clause, and he had received widespread encouragement to do so from all parts of the country, and from all classes of the clergy, from the Bishops downwards. If the Bill was to be complete,

it must take in the Episcopal Order—that was, if it was to be regarded as a fair Bill, dealing with ecclesiastical offences without favour or partiality. If something of the sort was not adopted, the existing irritation would be increased.

MR. FORSYTH said, that as the right hon. and learned Gentleman the Recorder had promised to bring in a Bill next Session to amend the Act of Uniformity, that would be the time to bring in the Bishops.

MR. GATHORNE HARDY said, the Bill contained no reference to the Church Discipline Act, but it would make absolutely new law, and he did not see why the Bishops should not be included. If they infringed the Rubrics he did not see why they should not be brought under the Act.

MR. GREGORY said, one of the objects of the Bill was to give the Bishops a more ready jurisdiction, and the object of the new clause was to degrade the Bishops. ["No, no."] That would be the effect of it, because it implied that the Bishops themselves were guilty of these practices. He trusted it would not be agreed to.

MR. DILLWYN said, he could not see why Bishops should be exempted more than any other of the clergy from the operations of the Bill. The object of the Bill was not to give greater power to the Bishops, but to promote greater uniformity. He did not agree with the Bill at all, but could not see why there should be any exemptions.

LORD HENRY SCOTT said, he did not want to degrade the Bishops, but if the Bill was to be equal it must apply to all orders of the clergy. The clergy would see the propriety of obedience more clearly if the Bishops were amenable to the same law. He supported the clause.

SIR WILLIAM HARCOURT said, five Members had spoken in favour of the clause, and they were among the most distinguished opponents of the Bill. If the clause were carried it was fatal to the Bill. Everybody knew that if this clause were carried the hon. Member who moved it would have achieved the object of all his opposition. [Mr. BERESFORD HOPE: No, no.] Of course, the hon. Member would deny that he wanted to defeat the Bill. Everybody knew the Bill had been in-

troduced to supply a new machinery for the cumbrous machinery of the Church Discipline Act. The object of this clause was to defeat the Bill in the House of Lords.

LORD JOHN MANNERS questioned the authority of the hon. and learned Gentleman to say that the Bill would be lost if this reasonable clause were accepted. He had no conception that the object of the Bill was to give additional dignity to the Bishops; if it was to place them above the law, he objected to their having any such additional dignity. It was new to him that there was to be a special order of the clergy excepted from the laws applicable to the rest. He hardly thought the right hon. and learned Recorder could be serious in objecting to the substance of the clause because it required Amendment. If the Bill was to be carried it should be in such a form as to be above the suspicion of partiality. If it was to become law, let it be a law for all classes of the clergy. The Bishops were not well served by those who advocated that they should be placed above or permitted to contravene the law.

MR. WHITWELL was surprised at the proposal to add such a clause as this to the Bill. The hon. Member (Mr. B. Hope) did not even establish the Court by which the Bishop was to be tried.

MR. CAWLEY said, the clause would bring the whole question into ridicule if it were passed. There was no machinery in this Bill to deal with Bishops or Archbishops. He protested against its being considered that they were placing Bishops above the law by omitting this clause.

MR. W. EGERTON submitted that this was a legitimate corollary of the clause that dealt with the question of appeal from the Bishops to the Archbishops.

MR. J. G. TALBOT denied that the object of those who supported this clause was to defeat the Bill by a side-wind. He believed the Bishops would set an example to those under them of obedience to the law; but if they did not, they would deserve to be brought under the operation of this law just in the same way as any incumbent. The Bill being in its present temperate state, he wished it to become law, and he repudiated the insinuation of the

*Mr. Beresford Hope*



hon. and learned Member (Sir William Harcourt) that he wished to oppose the Bill.

MR. NEWDEGATE thought if any proceeding were to be taken against any Bishop or Archbishop, it should be instituted by the Crown.

Question put.

The Committee *divided*:—Ayes 65; Noes 173: Majority 108.

MR. FORSYTH moved the following clause:—

(Judge not to be a Member of the House of Commons.)

“That no Judge appointed under this Act shall be capable of being elected as a Member of or sitting in the House of Commons.”

MR. RUSSELL GURNEY said, it was clear his hon. and learned Friend had not read Lord Macaulay's speech with reference to the exclusion of the Master of the Rolls from a seat in the House. Such a provision would exclude a man like the late Dr. Lushington.

Clause *negatived*.

Clause 1 postponed.

MR. HUBBARD moved as an Amendment that, instead of the Act being cited as “The Public Worship Regulation Act, 1874,” its short title should be “The Ecclesiastical Causes Procedure Act.”

MR. RUSSELL GURNEY said, he had no objection to the clause being omitted altogether, but he could not agree to the Amendment.

. Amendment, by leave, *withdrawn*.

MR. HUBBARD then moved the omission of the clause.

Question put, “That the Clause stand part of the Bill.”

The Committee *divided*:—Ayes 177; Noes 53: Majority 124.

Schedule A.

COLONEL MAKINS moved, in page 11, line 4, after “England,” to insert—

“and that I have been baptised and confirmed in the same, and that I sincerely believe the doctrines contained in the Book of Common Prayer.”

to meet the view urged by the hon. Member for Swansea (Mr. Dillwyn), that every Nonconformist was by law a member of the Church of England, and would be entitled to take action under the Bill.

MR. RUSSELL GURNEY objected to the Amendment.

MR. BASSETT asked what constituted a member of the Church of England? They were all members—some conforming, others not conforming.

LORD JOHN MANNERS appealed to the hon. and gallant Colonel not to press the Amendment. The Bill was drawn not to include matters of doctrine, but of procedure.

Amendment *negatived*.

MR. DILLWYN moved the omission of the Schedule, on the ground that it was objectionable to limit the operation of the Bill to a mere section of the community.

Question put, “That the Schedule stand part of the Bill.”

The Committee *divided*:—Ayes 170; Noes 41: Majority 139.

Schedule *agreed to*.

Second Schedule, as amended, *agreed to*.

Preamble *agreed to*.

Bill *reported*, with Amendments; as amended, to be considered upon *Friday*, at Two of the clock, and to be *printed*. [Bill 236.]

MR. DISRAELI gave Notice that on the Report he would bring up a clause to provide for the salary of the Judge.

# ROYAL IRISH CONSTABULARY AND DUBLIN METROPOLITAN POLICE BILL—[BILL 196.]

(Sir Michael Hicks-Beach, Mr. Attorney General for Ireland.)

COMMITTEE.

Bill *considered* in Committee.

(In the Committee.)

Clause 1 *agreed to*.

Clause 2 (Power to Lord Lieutenant to fix revised salaries for Constabulary force.)

MAJOR O'GORMAN moved that the Chairman report Progress.

SIR MICHAEL HICKS - BEACH hoped the hon. and gallant Gentleman would withdraw his Motion. He (Sir Michael Hicks-Beach) did not mean to press the opposed clauses of the Bill on the present occasion.

MR. BUTT said, there was no disposition to oppose the progress of the Bill, and, for his part, he was anxious to see

it pass; but there were clauses in it which he was desirous to see amended.

MR. MC'CARTHY DOWNING pointed out some details of the Bill which he thought objectionable.

SIR MICHAEL HICKS - BEACH adverted to want of a proper scale of retiring pensions for the officers and men of the constabulary, and urged the necessity of passing the Bill in reference to them through Committee.

MAJOR O'GORMAN said, he should like to know from the right hon. Gentleman what the salaries of those officers were?

SIR MICHAEL HICKS - BEACH said, the salaries of the superior officers were fixed by the Treasury, and therefore were not specified in the Bill.

MAJOR O'GORMAN said, he wanted to know what was the reason the right hon. Baronet did not disclose to the Committee what the salaries of the officers of the constabulary were. The Lords of the Treasury, who got £5,000 a-year, had their salaries proclaimed, and why should the public not know what the salaries of the police officers were?

Motion, by leave, *withdrawn*.

Clause 2 *agreed to*.

Clause 4 (Forfeiture of pension for misconduct).

MR. MC'CARTHY DOWNING moved the omission of the clause.

MAJOR O'GORMAN strongly opposed the clause, and moved that the Chairman do report Progress.

Motion *negatived*.

Question put, "That the Clause stand part of the Bill."

The Committee *divided*:—Ayes 104; Noes 24; Majority 80.

Remaining clauses *agreed to*.

Bill *reported*; as amended, to be considered *To-morrow*.

#### CONSOLIDATED FUND APPROPRIATION BILL.

On Motion of MR. RAIKES, Bill to apply a sum out of the Consolidated Fund to the service of the year ending the thirty-first day of March, one thousand eight hundred and seventy-five, and to appropriate the Supplies granted in this Session of Parliament, *ordered* to be brought in by MR. RAIKES, MR. CHANCELLOR of the EXCHEQUER, and MR. WILLIAM HENRY SMITH.

Bill *presented*, and read the first time.

House adjourned at a quarter after Two o'clock.

*Mr. Butt*

## HOUSE OF COMMONS.

*Wednesday, 29th July, 1874.*

MINUTES.]—PUBLIC BILLS—*Second Reading*—Consolidated Fund Appropriation\*; India Councils [154].

*Committee—Report*—Prince Leopold's Annuity\* [232]; Elementary Education Provisional Order Confirmation\* [214]; Great Sal Offices\* [223]; Post Office Savings Bank\* [227]; Pines Act (Ireland) Amendment\* [222].

*Considered as amended—Third Reading*—Vaccination Act, 1871, Amendment\* [226].

*Third Reading*—Foyle College\* [208]; Pier and Harbour Orders Confirmation\* [229], and *passed*.

*Withdrawn*—Regimental Exchanges\* [221].

#### PUBLIC WORSHIP REGULATION [CONSOLIDATED FUND, &c.]

##### COMMITTEE.

Order for Committee thereupon read. Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."—(*Mr. W. H. Smith.*)

MR. DILLWYN, in moving the adjournment of the debate, said, he hoped that they would have an explanation of the proposition of the Government. It was intended to found on the Resolution to be proposed, or another, a clause relative to the salary of the Judge, and it would appear that the Judge was to be paid out of the Consolidated Fund. That was a course to which he strongly objected. The Judge must be a member of the Church of England, and he was to be appointed by the Archbishops; and further, as the Bill itself was one purely for Church purposes, it appeared to him that the funds necessary for the carrying out of its provisions should come from the coffers of the Church itself, and not from those of the nation. He maintained that the Bill was a Church Bill, for in Committee he desired that Dissenters should be allowed to make representations to the Bishop of certain practices in the Church, and that was refused. He had no desire to impede Public Business; but he felt that this Bill involved so wide a question that it deserved that time should be given for its consideration. He would, therefore, move the adjournment of the Debate.

SIR CHARLES W. DILKE seconded the Motion.

Motion made, and Question proposed,  
 "That the Debate be now adjourned."

—(*Mr. Dillwyn.*)

MR. DISRAELI: I hope the hon. Gentleman will not persist with his Motion. It is not easy to give an explanation until we get into Committee; but, as I am on my legs, I may state that it is necessary to carry this Resolution in order that I should bring in a clause with reference to the salary of the Judge. I will then give all the information for which the hon. Gentleman asks, and that is the legitimate opportunity for discussing the question. It will be brought forward when the House is full, and when the hon. Gentleman will have ample opportunity of raising any objection to it. It is a Form, and a wise Form, of the House, that all these proposals should originate in Committee; but it is not usual to discuss them at this stage. The arrangement is not of the simple character which the hon. Gentleman anticipates; but it would be more convenient to postpone the discussion of it until I have had an opportunity of explaining it to the House.

MR. MACDONALD respectfully thought the right hon. Gentleman might at once inform the House whether the money was really to come out of the Consolidated Fund or not.

MR. YOUNG, as a friend of the Bill, would be sorry to do anything to impede its progress, but he would feel bound to protest against any proposal to make the public pay the expense of carrying it out. The idea that this salary should come out of the Consolidated Fund was not shadowed forth during the discussions on the Bill, which was one of a sectarian character, and therefore the sect—the Church of England—should provide the salary.

THE CHANCELLOR OF THE EXCHEQUER thought that the more convenient course would be to allow the Speaker to leave the Chair. When the House was in Committee a proposal would be made; and if it was thought desirable to discuss that proposal, it would be in the power of hon. Members to do so. His right hon. Friend at the head of the Government gave Notice last night, that he would bring in a clause with reference to the salary of the Judge; and when that clause was before the House there would be ample opportunity of discussing it on its merits.

MR. MASSEY pointed out that the present proceeding was merely preliminary, to enable the Government to make a certain proposition, and that the proper time to discuss the matter would be when that proposition was made.

SIR WILLIAM HARCOURT trusted his hon. Friend would not press the Motion, and that the House would be allowed to go into Committee.

MR. DILLWYN hoped that it was not supposed that he was attempting to throw any obstacles in the way of the Government, from a desire to obstruct the work of the Session. He much regretted that he could not withdraw his Motion.

Question put, and *negatived*.

Original Question put, and *agreed to*.

Matter *considered* in Committee.

(In the Committee.)

MR. W. H. SMITH moved the Resolution relating to the salary of the Judge and officers to be appointed under the Bill.

Motion made, and Question proposed,

"That it is expedient to authorise the payment, out of the Consolidated Fund of the United Kingdom, of the Salary of any Judge, and, out of moneys to be provided by Parliament, of the Salaries and Expenses of any Officers, appointed under any Act of the present Session for the Regulation of Public Worship."  
 (*Mr. William Henry Smith.*)

MR. DISRAELI: I will now state what the proposal of the Government is. It will, of course, be more minutely entered into when the clause I have to move is before the House. We propose that for a limited period, not exceeding three years, a sum not exceeding £3,000 a-year should be charged on the Consolidated Fund for the payment of the salary of this Judge; and, at the same time, that certain sources of supply which will arise from fees and from the extinction of offices now existing, shall be paid to the credit of the Consolidated Fund. Our object is, to secure at the present moment a salary for the Judge, and that a certain time should be allowed in order to make those arrangements which are in contemplation, by which the office will be made self-sustaining. We have thought it expedient to secure that important result by a proposal that for a limited period, not exceeding three years, there should be charged an annual sum not exceeding

£3,000 for the salary of the Judge. We hope, however, that long before that period elapses, the arrangement contemplated will have been effected, and the Consolidated Fund relieved of this charge. We also propose that for the three years there should be carried to the credit of the Consolidated Fund the amount which will accrue on the extinction of judicial offices about to expire, and also from fees.

MR. DILLWYN said, the scheme proposed by the right hon. Gentleman was altogether new, and of such a character as to require some little time for consideration. He (Mr. Dillwyn) might not have objected to a payment out of the Consolidated Fund, if the Public Worship Regulation Bill had not limited the definition of "parishioners" so as to make the word mean none but members of the Church of England; but that being so, he objected altogether to throwing the payment of the Judge on the Consolidated Fund in any shape whatever, or for however temporary and limited a period. The Public Worship Regulation Bill was a Bill passed for the purposes of the members of the Church of England, and they ought to bear the expense of carrying its provisions into operation. He should, in order to allow time to consider the question before the House committed itself to any proposition whatever, and in order that the scheme might be presented in black and white, move that the Chairman report Progress.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. Dillwyn.*)

MR. DISRAELI pointed out that there would be two opportunities of considering the subject, if the Resolution, which was only the foundation of a Bill, was agreed to, and that therefore the hon. Gentleman could not be taken by surprise. It would have to be considered in Committee, and again on the bringing up of the Report. The House would not be at all pledged to that particular mode of providing the salary of the Judge by allowing the Resolution to pass, while they would do much to forward Public Business at this late period of the Session. The present proceeding was one of the salutary Forms of the House, and he hoped his hon.

Friend would not persist in the course which he proposed.

MR. DILLWYN explained, that he did not intend to insinuate that the Prime Minister had taken the House by surprise.

SIR WILLIAM HARCOURT regretted that the right hon. and learned Recorder had withdrawn the proposal to charge the costs of the Court to the funds of the Church. That proposal was perfectly sound in principle, and he (Sir William Harcourt) had failed for his part to feel the weight of the objections urged against it. It had been stated that the fees paid to various Ecclesiastical Courts would soon recoup any expenditure connected with the appointment of the Judge, therefore the proposal now made by the right hon. Gentleman was very different from what they had been led to expect. He had always desired that the Bill should be a means of reconciling Nonconformists to the Church, rather than of increasing the differences already existing; but knowing how strong was the feeling on the part of Dissenters with regard to anything which bore the shape of an additional endowment, he feared they would not view with favour the proposed payment from the Consolidated Fund. The Church could well spare the amount which was required, and he hoped the proposal which the right hon. and learned Recorder had withdrawn would be revived on the Report.

MR. SALT said, he did not think it would much matter, if they were told that by-and-by the Consolidated Fund would be recouped. He had been assured by a high authority that the sums to be put to the credit of the Consolidated Fund would be sufficient to cover the salary of the Judge; but on inquiring into the matter, he had found there was some mystery as to the sources from which those sums were to be obtained. If that point was cleared up satisfactorily, there could be no objection to making the charge in the first instance upon the Consolidated Fund. He thought, however, it was doubtful, if the salary was once fixed upon the Consolidated Fund for two or three years, whether it would ever be taken off again.

SIR CHARLES FORSTER also objected to any payment necessary under the Bill coming out of the Consolidated Fund. It ought to come out of the fund

of the Ecclesiastical Commissioners, or out of the Bishops' incomes.

Mr. HERMON considered that there was no objection to the proposal of the Prime Minister, as the money to be advanced would be recouped. As a Churchman, he thought that all these expenses should be borne by the property of the Church.

Mr. YOUNG hoped that his hon. Friend would persist in his Motion to report Progress. The Bill was purely a sectarian matter, and the Committee had refused to make it any other, therefore no money ought to come out of the Consolidated Fund for the purposes of the Bill. If the security was so good as represented, why did not the right hon. Gentleman offer it in some other quarter, instead of drawing upon the Consolidated Fund? Why did not the Church accept the security itself?

Mr. MACDONALD asked whether, if a sum should be required by any body of Dissenters, the Committee would grant it out of the Consolidated Fund? To be consistent, he maintained they ought.

Sir WILFRID LAWSON said, that that was not a Government Bill, and it might be well to postpone the question until the right hon. and learned Gentleman the Recorder of London should be present. But the Bill related to the national Church, and he considered that as the funds of the Church were national, so the nation ought to provide for these expenses. The nation employed a certain number of Bishops and clergy to carry on a war against sin and immorality, and they used national funds for those purposes. The Bill might be considered as nothing more than an Ecclesiastical Mutiny Bill, for it was to regulate the discipline of the clergy.

Mr. FORSYTH confessed that he would prefer that the money wanted should not come out of the Consolidated Fund, but should come out of the Bishops' incomes, as they would be saved great expense in not having to maintain lawsuits; and besides, to a certain extent, the Bishops were responsible for the state in which the Church was at present. But the Resolution before them would not bind the House, and time for further discussion would be afforded thereafter. He protested against the use of the word "sectarian" in reference to the Church of

England. The Church of England was the national Church, and funds ought to be provided for the purpose of enforcing its laws. He thought that members of the Church of England ought not to sit silent when they heard that Church described as a mere sect.

Mr. RAMSAY said, the difficulty he had to deal with in connection with this question was, that he did not remember on any previous occasion on which he was asked, even for a temporary purpose, to vote money from the Consolidated Fund to support the national Church. He objected to such a proposal, and therefore thought they ought to report Progress.

Mr. EVELYN ASHLEY supported the proposition of the Prime Minister, as he considered that the fees now paid to certain officials whose offices would be abolished would be more than sufficient to recoup the moneys paid out of the Consolidated Fund.

GENERAL SIR GEORGE BALFOUR said, he would suggest that the salary should be guaranteed by the Ecclesiastical Commissioners; and to meet the objection that they had no fund for the purpose, he would propose that they should borrow from the Public Works Commissioners a sum, to be repaid from fees, &c., that would eventually come into their hands, and were expected to be sufficient to meet the expense. It would be better they should borrow a small sum, say, £9,000, at 3 per cent.

Mr. MONCKTON cordially supported the proposition of the right hon. Gentleman below him, and asked the hon. Member not to press his Amendment to a division. If the salary of the Judge were not paid out of the Consolidated Fund, there was no fund out of which that salary could properly be paid.

Sir JOHN HAY, as one of the Public Works Loan Commissioners, objected to the salary of the Judge being paid by that body. He, however, believed there was no doubt that the fees and other funds which would be receivable under this Bill would be ample to pay the salary of the Judge. He believed that the country was anxious to see this measure put into operation, and he supported the proposition of the right hon. Gentleman.

Mr. MUNTZ said, although the sum might be small, a large principle was involved in this question. If the salary

of the Judge were paid out of the funds of England, then the people of Wales, Scotland, and Ireland would have to contribute to the payment of that salary. He believed that a more national measure than this was never proposed. They all wanted to see it passed. He believed that the surplus fund of the disestablished Irish Church would be very large, and that the salary of £3,000 a-year might be easily obtained from that fund. However that might be, he did not think the passing of this measure should be risked for the sake of a salary of £3,000 to the Judge who would have to carry it out.

THE CHANCELLOR OF THE EXCHEQUER said, he thought hon. Gentlemen had lost sight of the exact position of the question at that moment. What the Committee were asked to decide was not, whether £3,000 or £9,000, or any sum whatever should be paid out of the Consolidated Fund. The question which was put to the Committee was, whether his right hon. Friend should be put in a position to make a proposal on a future occasion for the consideration of the House. The Committee had power to say how they considered that salary should be paid; but when the Bill came before the House on a future occasion, the House would be able to take a different view of the matter. The proposition that the salary should be paid out of the funds of the Irish Church struck him as a proposition to add insult to injury. However, all the suggestions which had been made as to the source out of which the salary should be paid could be submitted to the House when the Bill was under consideration. The carrying of the Motion to report Progress would have the effect of postponing the consideration of the Report of the Bill until Monday, whereas it was desirable and was intended that the Report should be considered on Friday next. All that the Government now asked was, that they should be enabled to make a proposition in regular form so that the Report might be considered on Friday next. It had been said, and he could not understand why, that that proposal was of a sectarian character, and that the measure was framed entirely for the purposes of the Church of England, and that therefore the Church of England should bear, in some shape or other, the expenses of the machinery which it con-

templated. But he would remind them that although this Bill related to England, the discussion upon it had been by no means confined to members of the Church of England. It was one in which the House appeared to have taken considerable interest, and many hon. Gentlemen who were not communicants of the Church of England had expressed their anxiety that it should pass; and therefore it was quite reasonable to suppose that it was regarded by them as of national importance, and that some national assistance should be given it.

MR. SCOURFIELD said, the hon. Member for Birmingham (Mr. Muntz) was mistaken in supposing that Wales was not included in the Bill. The salary of the Judge must be paid out of some fund. If it could not be paid out of the funds of the Ecclesiastical Commissioners—a proceeding which had been strongly objected to by the right hon. Gentleman the Member for Greenwich—or out of the Consolidated Fund, then he could see no source out of which it could be paid, except out of that universal refuge of the destitute, an annual bazaar.

MR. DILLWYN regretted extremely that he should be obliged to divide the House upon that question; but he felt bound to do so in order to prevent an objectionable principle being adopted.

MR. MACARTNEY said, there were no funds of the Irish Church out of which the salary of the Judge could be paid, and if there were, he should decidedly object to such a course being taken.

MR. SERJEANT SPINKS could not understand on what grounds the proposition of the right hon. Gentleman was objected to. He would not express any opinion as to the source out of which the salary of the Judge should be paid, but he thought the House ought to agree to the proposition of the right hon. Gentleman that means should be provided to pay the salary of the Judge and to defray the expenses of carrying out this measure. If the Motion for reporting Progress were carried, the House would to-morrow be in precisely the same position as it was now—that was to say, no progress would have been made on this question of providing for the payment of the Judge's salary. The Amendment of the hon. Gentleman was evidently made for the mere purpose of delaying

the passing of this measure. The House was most desirous to see the Bill become a law, and to provide that it should be enforced in a most efficient manner, and why the hon. Member for Swansea should object to that being done to-day which would have to be done on a subsequent day, if the measure was to be passed, he (Mr. Serjeant Spinks) could not understand, unless the motive of the hon. Gentleman in proposing his Amendment was simply to cause delay. He trusted the hon. Member for Swansea would withdraw his proposition.

THE ATTORNEY GENERAL FOR IRELAND (Dr. BAILEY) contended that the proposition of the Government that the payment of the salary of the Judge should be secured out of the Consolidated Fund, on the condition that fees to be received in the carrying out of this Bill should provide a fund for that payment, could not be fairly controverted. The Judge who would be appointed under the Bill would discharge by far the largest share of the legal business at present done by persons occupying the positions of Ecclesiastical Judges, and therefore it appeared to him that the proper source from which to take the salary was the income at present applied to the maintenance of Ecclesiastical Courts. The Bill proposed to do that gradually. When they were appointing a new Judge, they must, before their arrangements were perfect, guarantee him an income, and in adopting the ultimate course of throwing it upon this particular fund, they were resorting to the natural and legitimate source from which the Court should be supported. What was proposed was not an absolute grant but a temporary loan, and with regard to the question of principle, raised by those who objected to Church endowment, money had been advanced to persons of every form of religion, for the building of glebe houses, and if the money was ultimately repaid he could not see that any sacrifice of principle, even for those who held such views, was involved in the matter.

Question put.

The Committee divided:—Ayes 34; Noes 72; Majority 38.

Original Question put.

The Committee divided:—Ayes 74; Noes 42; Majority 32.

*Resolved*, That it is expedient to authorise the payment, out of the Consolidated Fund of the United Kingdom, of the Salary of any Judge, and, out of moneys to be provided by Parliament, of the Salaries and Expenses of any Officers, appointed under any Act of the present Session for the Regulation of Public Worship.

House resumed.

Resolution to be reported *To-morrow*.

INDIA COUNCILS BILL.—[BILL 154.]

(*Lord George Hamilton.*)

[*Lords.*] SECOND READING.

Order for Second Reading read.

LORD GEORGE HAMILTON, in moving that the Bill be now read the second time, said, it had come down from the House of Lords, and had been waiting a second reading for some time, during which interval it had been subjected to much criticism and misrepresentation. The Bill proposed that in the Council of the Governor General for India, there should be one Member responsible for the Public Works Department. The Council of the Governor General consisted at present of five ordinary and one extraordinary members. One represented the Finance Department, another the Legislative, a third the Military; the Foreign Department was usually under the personal supervision of the Viceroy; and the two civil members of the Council had to divide between them the Home Department, the new Department of Commerce and Agriculture, and the Public Works Department, the consequence being, that the most hardly worked members of the Council had to discharge the duties of the Public Works Department. Each Department of State had a Secretary, and these Secretaries were in the habit of attending the Council when important business had to be transacted in relation to their Departments; but they had no vote, and, except on sufferance no voice. The Public Works Department was one which required very minute supervision. The first question the House would ask was, whether the business transacted by this Department was of such importance as to justify the Secretary of State for India in bringing forward this Bill? That could be best answered by stating the actual amount of the financial transactions in which that Department had, for the year 1873-4 been involved. It amounted, in income and expenditure, to

the enormous sum of £26,500,000. There were three different classes of public works in India. There were those carried out by the Supreme Government, which were under their control; the provincial public works, carried out by the different local Governments, the cost of which was defrayed from allotments made by the Supreme Government to the local Governments; and there were also the local funds public works, which chiefly consisted of the construction and maintenance of roads, the expenses connected with which were chiefly defrayed by local taxation. There would be expended for the year 1874-5, £2,500,000 upon ordinary public works, £1,000,000 for native estates under British administration, £250,000 for railway charges, £1,600,000 for provincial public works, £1,600,000 for local public works, and £450,000 for telegraphs; making a total of £7,452,000. The working expenses of railways in connection with guaranteed lines would be upwards of £4,000,000, and there would be upwards of £1,800,000 expended on further construction. There would further be expended for public works extraordinary £4,500,000, making a total of £18,000,000. On the other hand there would be received from miscellaneous sources £83,000, from irrigation nearly £500,000, from the State railways about £100,000, from telegraphs about £250,000, and from guaranteed railways £7,600,000, making a total of £8,600,000. He thought, therefore, that this Department was of sufficient importance to justify the entire attention of one member of the Council. Vast however, as had been the expenditure in the past, there was every reason to believe that it would be still greater in the future. That was not the result of any action taken by the present Secretary of State, or any pressure he had brought to bear on the Government of India. On the contrary, when he came into office he found the Government of India had last year announced their intention to expend £17,500,000 upon the construction of public works extraordinary during the ensuing four years; and in the financial Resolutions published at the end of April this year they stated that the total amount of money which would be expended during the five years ending 1877-8 on public works extraordinary would be £22,500,000. They expected to

construct with that money 2,700 miles of railway, and irrigation works calculated to secure from liability to drought 50,000 square miles of country. They also announced in subsequent Resolutions that a general survey had been made of those parts of Her Majesty's dominions which they considered would be most likely to be affected by drought, with the view of constructing famine protective works, but at present they had no notion of what amount of money they might consider it necessary to expend on those works. The necessity for adopting such a proposal as that contained in the Bill was therefore all the more urgent. As to the imperfect working of the present system controlling that expenditure there was almost an unanimity of opinion. Successive Secretaries of State had remonstrated against it, and the Secretary of State in laying the Bill before the Upper House, had laid a Return upon the Table showing the number of cases in which the estimates for the past year had been largely exceeded, and he (Lord George Hamilton) had laid a similar Return upon the Table of that House. Well, the individuals connected with the Public Works Department could hardly be blamed. They had to perform their duties under great and exceptional difficulties, arising from the great distances to be traversed, the supervision necessary for native labour, and the sudden changes of the climate. But the main cause of excess of expenditure over the estimates was the system of handing over the Department from one member of the Council to another. Thus, there was an inconsistency of purpose and no continuity of design. Schemes, for instance, were frequently stopped which ought not to be stopped, and he believed, this was almost entirely due to the fact that no single member of the Council was personally responsible for the control and supervision of the Department. The Secretary of State was not alone in thinking it would be necessary to appoint a member of the Council specially to control and supervise the Department. for Lord Mayo when he arrived in India at once saw the importance of the public works, and took them under his own control. Writing to the Secretary of State in 1869, he recommended that a short Act should be passed early in the following Session to enable the Secretary of State to appoint by Sign Manual, three

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instead of two, ordinary Members of Council with a view of nominating a person who would fill the office of Minister of Public Works. He added—

"This step is in my opinion indispensable. I am now discharging with great labour, the duties of the Member in Council in charge of the Public Works Department. I am very strong and can work 12 hours a day; but I have seen enough to know that the Member in charge of what is now becoming almost the most important Department in the Government ought to be able to devote his whole time and thoughts thereto—ought to have much special knowledge, and, moreover, should from time to time visit, with the Secretary to the Government, the various great works in progress."

Again in 1871, almost on the eve of starting on his visit to the Andaman Islands, he wrote—

"The Public Works Department is now the most important branch of our administration and will grow. It requires besides the Secretariat, the undivided attention of one man in Council."

A letter had appeared in *The Times*, written by a Member of the Upper House, stating his reasons against the Bill. He (Lord George Hamilton) would not express any opinion as to the propriety of a Member of the Upper House writing to a public journal with the view probably of influencing the Members of a House to which he did not belong. If any fresh argument was wanted to support the proposal now before the House, it would be found in that letter itself. The noble Lord traced the progress of a scheme from its conception to its maturity. It was, say, conceived by the Local Revenue and Public Works Department, and commended to the local Government. The local Government sanctioned it and the local executive officer prepared estimates which were corrected by the superintendent engineer. The scheme was next sent to the Public Works Department of the Province, and by them brought before the Council of the Province. Then it was submitted to the Supreme Government, and if approved by them, referred to the consulting engineer and secretary of the Public Works Department, who were empowered to sanction it. Now, he (Lord George Hamilton) wanted to know if that scheme fell through, which of these numerous authorities were to be held responsible? The Duke of Argyll, in one of his Despatches with reference to certain waterworks at Madras, condemned the system very strongly. He wrote—

"No condemnation can be too severe for a system, according to the ordinary routine of which it is possible for a project to be submitted with all the parade of detailed elaboration and of no less than 23 sheets of plans, for an expenditure thereon of 3½ lacs to be authorized on the assumption that the annual return would be at least 9, and might be 20 per cent, and for the project to be, after an interval of three or four years, abandoned on account of its containing inherent defects that would inevitably cause the result of its continued prosecution to be, instead of high profit, heavy loss, yet not abandoned without more than £11,000 being expended subsequently to the detection of these glaring and fatal defects. For that this is no exceptional case is clear from the fact of my having, within the last few months, found myself called upon to animadvert on similar heedlessness in the preparation of irrigation projects, in three several instances—those of the Moota Valley, the Madras Water Supply, and the Orissa Works, with regard to each of which confident promises of signal financial success were at first held out, and of which one has already proved and the other two threaten to prove, and long to continue, signal financial failures. There must plainly be something radically wrong in a system under which such results are of such frequent occurrence, and I must desire your Excellency's Government to give to the subject your immediate and most serious attention, with a view to the application of a proportionately radical remedy. Recent disclosures are, I confess, causing me to contemplate with no small apprehension the possible consequences of the large extension of works of irrigation on which the Indian Government is engaged, and of the wisdom of which I had previously entertained no doubt. Several irrigation schemes on a gigantic scale are already in process of execution, and many more are in preparation, which, it was sanguinely hoped, would benefit the people of India, not more by their direct influence in agriculture than indirectly by causing a largely-augmented flow into the national Exchequer; but, unless very much more thought has in general been bestowed upon them than those specially adverted to above would seem to have received, it is only too probable that the 30 millions sterling which have been provisionally accepted as the amount in round numbers required within the current decade for the extension of irrigation, may eventually prove to have been expended, not in diminution, but in augmentation, of the National Debt of India."

In the same Paper, there was a remarkable illustration of the manner in which, when responsibility was spread over so many authorities, no one person could be held liable for the failure of a scheme. Certain waterworks at Madras had proved a great failure, and the Duke of Argyll censured the executive engineer. In reply to that censure the Madras Government stated—

"At the time that the Madras Waterworks project was brought forward, there was no one whose special duty it was to examine completely its several bearings, and to take care that

all requisite information with regard both to its engineering and revenue details was duly obtained and reviewed."

The Duke of Argyll then wrote—

"I had previously been under the impression that the special duty referred to devolved in all cases not on one person only, but on a whole series of authorities; on the superintending or other engineer, in the first instance, by whom the project was prepared; then on the chief engineer and secretary by whom it was placed before the Government; and finally, on all the Members of the Government individually and collectively. If this has not always been the custom, I trust that it has now become so."

Now what was the reply of the Madras Government to the Duke of Argyll's argument? This—

"That a particular duty devolved upon 'a whole series of authorities' including 'all the Members of the Government individually and collectively' is to say that it did not devolve specially upon any one of those authorities."

It was to abolish that system, that the Secretary of State had brought in the Bill, believing that when once responsibility had been fixed upon the head of the Department, it would permeate to the lower branches. The proposal was one so simple and natural and had been so successful wherever it had been carried into effect that it was necessary to go rather out of the way to find objections to it. The opposition to it, indeed, was principally founded on a misconception of Lord Salisbury's object. For instance, by some curious mistake it was believed that Lord Salisbury intended to send out a person to India to carry out works costing £40,000,000, instead of £14,000,000. So far from such being the case, he was glad to be able to show when he made his annual Financial Statement for India, that whilst the Secretary of State for India had given the Indian Government great latitude, his policy had been rather to tie up than to extend their borrowing powers. Again, it was urged that there was a strong feeling in India against the Bill. He was not surprised that such a feeling should exist in India, not against the Bill, but against the supposed proposals of the Secretary of State. There had been some agitation in India about the famine expenditure. Some people went so far as to say that there had been no famine at all, and that the excitement had been got up by the Government for their own ends. *The Pioneer*, a well-known Indian journal, had published a leading article, in which it was

assumed that a new member of the Council was to be appointed to attend specially to the famine.

"But," said that journal, "after all, good may come out of evil: for when the famine passed away, he may be able to give his attention to the Public Works Department, and that is what we want."

Certain members of the Civil Service further objected to the scheme, but it was only natural that they should view with great suspicion any proposal which took away their privileges. Their opposition in the present case seemed to spring from the same feelings as those which prompted them to object to the appointment of a financial Member for India. Dismissing also, as unfounded, the objections that the proposed appointment would make the Department stronger than the Viceroy, and that the Secretary of State had omitted to lay the proposal before the Council—to decide upon which did not come within their powers—he would proceed to refer to the Amendment which the hon. Member for Hackney (Mr. Fawcett) had placed on the Paper. The main objection embodied in the Amendment was that the Viceroy of India was strongly opposed to the Bill, and that he would resign if it passed. Now, he (Lord George Hamilton) had the authority of the Secretary of State for saying that that assumption was entirely unfounded. The noble Lord who had written the letter in *The Times* already referred to, stated that his opinions were those of Lord Northbrook. He (Lord George Hamilton) was perfectly certain that Lord Northbrook never gave authority for that statement, and he should certainly have thought that a gentleman of such experience as the writer would have been more guarded in his assertions. He also entered his protest against the publication in a newspaper of the opinion of a noble Lord upon a measure that ought to have been delivered in his place in the House of Lords when the Bill was under consideration there. The Bill had to be introduced that Session, inasmuch as two vacancies were about to arise in the Council. Between Lord Northbrook and Lord Salisbury, certain unofficial communications had passed, and he had authority to state that, although Lord Northbrook in the first instance did not desire the measure on the ground that it would increase the number of the

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Council, he had subsequently withdrawn his opposition on the introduction of a clause providing that the Council might be reduced to five if necessary, and now he had no strong view on the subject one way or another. It was easy to understand why Lord Northbrook at first did not approve the proposal. He, like his predecessor, Lord Mayo, was capable of an enormous amount of work, and he could reasonably say—"I can manage the Public Works Department myself so long as I am Viceroy." But the Secretary of State was not justified in allowing an objectionable system to continue, simply because he had an exceptionally powerful lieutenant-general. Lord Northbrook's successors in the Vice-royalty might not have the same capacity for work as he himself had, and in that case the continuity of responsibility and management would be interrupted. The Bill, therefore, was designed to fix and concentrate the responsibility for the Public Works Department on one member of the Council and to continue it to his successors. The Amendment of the hon. Member for Hackney amounted to this—that it was inexpedient for the House to decide on the Bill until the Viceroy's opinion was known. That course was hardly consistent with the rôle of independent critic which the hon. Member had taken up, nor was his present opposition quite in accordance with the opinion which he had expressed on a previous occasion, namely—

"No Department in India had been characterized by so much waste and extravagance as the Public Works Department, and nothing had contributed so much to that result as the impulsiveness with which Public Works had been undertaken, and the suddenness with which they had been abandoned in order to obtain a favourable balance of expenditure and revenue."—[3 *Hansard*, ccxvii. 1409.]

The former First Commissioner of Works (Mr. Ayrton) on the same subject had said—

"Each man, in his own sphere, should be definitely responsible, and it should not be like the game of hunt-the-slipper, in which the responsibility was shifted about so that no one could find it."—[*Ibid.* 1505.]

And the hon. Member for Hackney, referring to this opinion, had observed—

"Nothing had been advanced in the debate with which he concurred more cordially than he did in the concluding remarks of the right hon.

Gentleman the First Commissioner of Works. As he had said, the principle which ought to guide us in all attempts to reform Indian administration was this—that we should, if possible, endeavour to concentrate responsibility more than we had done hitherto."—[*Ibid.* 1505-6.]

Seeing that the hon. Gentleman had formerly expressed such a strong opinion in favour of the object of the Bill, it was a little disappointing to find him now in the ranks of its opponents. The hon. Gentleman was evidently prepared to lay great stress upon the point that the Government of India should have been consulted. He (Lord George Hamilton) could only say that on almost every occasion, it was the habit of the Secretary of State to do that, but, as he had explained, the Secretary of State was the responsible Minister, and he must be allowed some discretion. The real fact of the matter was, the Government of India had resolved to expend a very large sum of money on public works. That being notified to the Secretary of State, all that he said was, that if such were to be the case, it would only be right and proper for a Minister to be appointed who should be personally responsible for that expenditure. That being so, it could hardly be said that the Government of India had not been consulted, for the Secretary of State's proposal bore directly upon the propositions of that Government. A good deal of misconception had prevailed in reference to the Bill. It was, after all was said, simply a Bill of Control. Its object was, to control the Department of Public Works and attach the responsibility for expenditure to one individual. Such a proposal would necessarily meet with opposition, because it implied that the administration had not been perfect, but was capable of improvement. He felt pretty certain that no one who would oppose the Bill would attempt to defend the present state of things as satisfactory. Those, therefore, who opposed the scheme under such conditions were bound to submit an alternative proposal. If they failed to do that the House had no option but to accept the Secretary of State's proposal for placing a responsible Minister at the head of the great spending Department of India, upon whose action, and upon the success of whose undertakings largely depended the future financial prosperity of our great Indian Empire.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Lord George Hamilton.*)

MR. FAWCETT, in moving, as an Amendment—

"That, in the opinion of this House, it would be inexpedient to proceed with this Bill until the opinion of the Governor General of India in reference to it has been ascertained and laid upon the Table of the House," said, he thought a strange illusion had come over the Government. He had often observed that when the Session was about to come to an end, Bills, which at other times would be considered of great importance, dwindled into simple measures of course, and were allowed in many cases to pass without opposition. The Bill now before them was one of that description. There was a great discrepancy between the statements of the noble Marquess who had introduced the Bill in "another place," and the noble Lord the Under Secretary who had now moved its second reading. The Under Secretary had tried to make out that the Bill was small and unimportant; but upon that point he preferred to take the word of the Secretary of State himself. That Nobleman had distinctly declared that the Bill was an important one, and that it raised important questions of policy. Well, if that view of the question were correct, the House had a right to protest against the way in which so important a Bill had been treated by the present Government. How was it treated, to begin with, in the House of Lords? Not a word was said upon it, either upon the first or the second reading; and when it reached Committee, the whole discussion did not make more than a couple of columns in the daily papers. As if that were not enough, they were now asked on the 29th of July, and in an exhausted House, to proceed with its consideration. That was not a proper or a statesman-like way of treating such a great measure. A change so vast ought to have been submitted to Parliament in a manner that was more worthy of it. India would be affected by it for generations to come, and her expenditure would be influenced; and that being the case, more circumspection should have been exercised. The noble Lord the Under Secretary of State for India seemed to be surprised that he (Mr. Fawcett) should bring forward his Amendment;

but he thought it his bounden duty to do so. He was, as the noble Lord said some time ago, an independent critic of Indian finance, and he assured him that he had no intention whatever to reject the Bill, had it been brought forward at a proper time. It would involve him in a responsibility he was not warranted in assuming, if he were to move the rejection of a Bill involving an important question of policy, the decision of which, as he had said, might affect India for many years to come; and his contention, therefore, was, not that they should reject the Bill, but that they should insist on all information relating to that policy being laid before them. This was not an unreasonable contention. He did not assume, as the Under Secretary seemed to think it was necessary he should, that the Bill was opposed by Lord Northbrook; whose opinion, indeed, he did not know, and with whom he had not had any communication; but the Secretary of State had said that the Viceroy was unfavourable to it; that declaration had been repeated again and again by some of the most intimate Friends of the Viceroy, and he really wanted to know what the Viceroy's opinions were, and whether he thought this the best way of carrying out the change; whether there was unanimity of opinion between the Secretary of State and the Viceroy, and between the Secretary of State and his Council. As an independent Member, he should not venture to offer his own opinion in opposition to an agreement of official opinion; but, at present, the House was asked to pass a Bill without being informed whether the Viceroy was favourable or unfavourable to it, and before they knew the opinions of the practical and able men by whom the Secretary of State was advised. If it were said the Bill ought to be accepted as a mark of confidence in the Marquess of Salisbury, he admitted the zeal and ability of the noble Lord, but he also recognized those of Lord Northbrook, whose solicitude for the welfare of India was equal to that of the Secretary of State. Uninfluenced by political or personal friendship for Lord Northbrook, with whom he did not remember he had ever spoken, he believed that noble Lord, by his calmness and firmness, had guided India through a terrible crisis, in which less discretion might have been very disastrous to the future

of India. His correspondents, who for three or four years had been writing gloomily and hopelessly about Indian finance, now expressed great confidence in the financial administration of Lord Northbrook, and said that, if he were not interfered with from home, in a short time he would place Indian finance on a satisfactory and sound position. No one who had watched his career could doubt he had got hold of the secret of managing the finances of India. He recognized the fact that India was an extremely poor country, and that her finances required to be managed with the utmost caution. If the Bill effected a most important change in the Government over which Lord Northbrook presided, if, as the Secretary of State said, he was unfavourable to it, and if the Under Secretary was obliged to admit he did not know whether Lord Northbrook was or was not favourable—would not they pursue a course more respectful to Lord Northbrook, if they deferred the passing of the Bill until they had ascertained what his opinions were? Lord Lawrence, the only survivor of the illustrious men who had been Governors General of India, who spent 40 years there, and 25 in the Public Works Department, in the course of the debate in the other House, earnestly entreated the Marquess of Salisbury to wait until Lord Northbrook's opinion was made known; but no notice was taken of the appeal, and the Bill was instantly passed by the majority whom the noble Marquess had at his back. It was impossible to understand the Bill, and many Peers supported it under a misconception. The debate in the other House proceeded on the assumption that the clause which they were now told was permissive was obligatory, and that the result would certainly be an addition to the Council. Lords Strathnairn and Sandhurst based their support on the supposition that there would be an addition of one to the Council, and the Under Secretary now said that that might not be the case. Therefore, they did not know whether the Council was to be increased or if it was not. As far as he could gather, the opinion of Lord Mayo, which would carry weight, rested entirely on the supposition that the Council was to be increased. In spite of the precedents quoted against him, he believed there was not one instance in

which a Secretary of State had introduced a Bill of this kind without first ascertaining the opinion of his Council; he might not be legally bound to consult them, but he was bound to do so by precedent, and by the obvious meaning of the Act. If an addition was made to the Council of the Governor General, the first effect of the Bill would be to entail a charge on the Revenues of India, and the indirect effect would be a great additional expenditure on public works. On matters of finance, the authority of the Council was co-ordinate with that of the Secretary of State, and if the Council chose, they could make the Bill null and void if it passed, because they could veto the salary. There was no analogy whatever between the position of the Permanent Under Secretaries of the Home Office or the War Office and the Secretary of State's Council, because he did not act in his individual capacity; but what was done was done by him in Council; and even if he should have regarded the advice of his Council as superfluous, their opinions were not superfluous to Members of the House. If they had been given and had been favourable to the Bill, he would not have offered any opposition to it. If, however, they were to pass it on the word of the Secretary of State, they were reduced to the position of deliberating, without having before them elements of a proper discussion, and of registering the decree of an individual Minister. The speeches of the Secretary of State and of the Under Secretary were entirely different. The former alarmed the Indian public by foreshadowing great schemes; the latter advocated the Bill as effecting a simple and obvious administrative change. If it had been presented at the first as it was now, it would not have attracted so much attention in India. The debate in the other House had been read and commented on in India; the Bill had been unanimously condemned; and he was advised that an influential Petition against it from the mercantile community of India was on its way to England. The Secretary of State admitted that it was condemned in official circles. The Secretary of State spoke of irrigation schemes involving the expenditure of £40,000,000, and the impression produced was, that the author of those gigantic schemes had gained the confidence of the Secretary of State

and was to be appointed to carry them out. If a Minister were rushing hurriedly into extravagant expenditure, the House could render great service by enforcing caution and inspiring prudence. He adhered to every word he had said about the waste and the mismanagement in the Public Works Department and the necessity of concentrating responsibility; but if such an official as the Secretary of State pointed out were to be appointed, extravagance would be intensified and responsibility weakened by taking away that of the Governor General. If they were going to send out a great engineer, an enthusiastic projector—a Haussman or a Brunel—he would be anxious to immortalize himself, regardless of cost, and extravagance just now would be perilous. It might involve bankruptcy, or the necessity of imposing taxes on a people so burdened that additional pressure might endanger the tranquillity of the country. The Secretary of State, anticipating an expenditure of £80,000,000 or £90,000,000 on public works said, that railways and irrigation works in India must necessarily pay, either in interest on the cost of construction, or in the general prosperity of the country. An estimated expenditure of £80,000,000 or £100,000,000 might be safely set down to result in the outlay of £160,000,000 or £200,000,000, and where was the money to come from? If £100,000,000 were laid out and returned 1 per cent, where was the remaining 4 per cent to come from? England had superfluous wealth, and the Revenue could easily be raised a million or two; but in India the resources of taxation were exhausted, and it would sorely try the people to tax them more in order to make up any deficiency. That opinion was expressed and confirmed by the Governor of Madras, the Commissioner of Nagpore, Lord Canning, Lord Mayo, and Sir George Campbell; and it must be remembered that the population of India was not homogeneous, and that to tax the whole population for a local deficiency would be like taxing the people of Russia for a work in France or England. By permanent settlements we had surrendered all increase in the value of land, and the increase of that value, by railways and irrigation works, would go into the pockets of the zemindars, while it came out of those of all taxpayers. We treated the people of

*Mr. Fawcett*

India as if they had no engineering ability; but native engineers had constructed enduring aqueducts which were remunerative under native management, while the costly works of the European engineers had rapidly given way, and were pecuniarily very unsuccessful. Natives had constructed works which had lasted 1,600 or 2,000 years. On the other hand, we had made the Madras Irrigation Works at a cost of £1,600,000, and the banks were not strong enough to hold the water. Only 1,500 instead of 100,000 acres were irrigated, and the undertaking did not half pay expenses. Again, the Orissa Irrigation Works cost £2,700,000, and irrigated 14,000 instead of 1,500,000 acres, while the supply of water exceeded the demand, for the Natives would not use it. We did not make any allowance for the genius and instincts of the people. They cared more for cheapness than for rapidity, and therefore preferred water conveyance to railway transport. If it were the object of the Bill to appoint simply a financier—like Mr. Wilson, Mr. Laing, or Mr. Massey—there would be no objection to that; but the evil was, the House did not know whether the member to be appointed was to be a financier or an engineer. He asked the other day the opinion of one whose name would carry with it the highest authority with respect to the Bill, and the reply was, that if it were intended to send out as Minister of Public Works a skilled financier, who would have nothing to do with their projection, but who would simply be responsible, as Mr. Wilson was, for the Finance Department, the Bill might prove extremely advantageous to India, but that if the new Minister were to be a designer and engineer of works, then the control would be taken out of the hands of the Governor General; and the Minister going out with all the prestige and influence of a man appointed by the Secretary of State, he felt satisfied that there would be in the Department far more waste and mismanagement than now existed. That being so, he for one, looking at Indian questions from an independent point of view, hoped the House would do nothing to impair the authority of the Governor General, who was on the spot, who was less subject to political influences than the Secretary of State, and who was in a position to give an unbiassed opinion

on the matters which came before him for decision. He, however, was afraid the Bill would be interpreted by the people of India as a serious weakening of the prestige and authority of the Governor General. Of course, no slight was intended towards the Viceroy; but if it were, he could imagine no more effectual way of offering it than by pressing on the Bill, heedless of the warnings and entreaties of such a man as Lord Northbrook. Bearing in mind the services of that noble Lord, it was not, at all events, too much, he thought, to ask the House to wait until it ascertained what the view was which he took of the measure. The hon. Gentleman concluded by moving the Amendment of which he had given Notice.

Mr. SMOLLETT, in seconding the Amendment, said, he wished to point out that the Bill enabled the Crown to nominate the Minister of Public Works in India, who would have a seat in the Cabinet of the Viceroy, with a salary of £8,000 a-year. This officer would relieve the Governor General of important duties; but it did not appear that the great official in question desired relief, for he did not seem to believe that in the multitude of counsellors there was safety. The Bill came before them under peculiar circumstances, because it was neither desired by Lord Northbrook, nor had the measure been approved by the Council of India, who had not been consulted as to the expediency of the change. If the Indian Council had approved of the Bill, it would have better deserved the attention of Parliament. The reason alleged for the introduction of the Bill was, that enormous sums had for the last 10 or 15 years been spent on works of irrigation in India, undertakings which it was supposed would be remunerative, but which it was now found were productive only of loss. Instances had been given in "another place" of great losses sustained in the Madras Water Supply, the Orissa Works, and, no doubt, the Orissa Works—an old acquaintance of his—must stand the Government in a large sum, while the Jumna Canal and the Punjab Eastern Canal had been spoken of as huge adventures not paying anything like the interest on the cost of their construction. A list of miscellaneous works had been furnished in a public Return, the construction of which had been estimated

to cost £4,000,000, while the outlay had been £6,000,000 or £7,000,000, and these proved unremunerative by reason of the increased expenditure. Now, he was glad to find the Secretary of State making charges of gross mismanagement against the Public Works Department in India, for when on former occasions he assailed that Department for its extravagance, and for the false data on which its calculations were based, he had not met with the smallest sympathy from any public functionary in that House. It would therefore be readily believed that he was disposed to support any measure which would curtail the mischievous action of the Department. In that view, he would have gladly supported almost any Bill that tended to that result; but as he was perfectly satisfied that such a proposal as that under discussion was rather calculated to extend indefinitely the idle waste and wild extravagance of its proceedings, he should therefore give to it his most active opposition. He had seen the Bill advocated in the public newspapers upon the ground that it was necessary to appoint an additional member of Council because the existing members were greatly overworked. If that were so, however, would not Lord Northbrook himself have been the very first person to bring the matter under the notice of the Secretary of State, and to ask for relief? The argument was founded on some delusion; it was at variance with all the ideas he had imbibed in a long career of service in the East. His own impression was, that when a gentleman attained the high position of a member of Council in India, he had never any very enormous amount of labour imposed upon him. Its members were generally speaking elderly persons, who drew their salaries, enjoyed their dignity, and were always ready to inform their friends that they were underpaid and borne down by the indefatigable discharge of their official duties. That, however, was all gammon. The ordinary Council of the Governor General consisted of seven members, and it was, he thought, sufficiently numerous to perform all the duties which it had to discharge. The Legal and Financial members had not very much to do, and besides, there was an Extraordinary Council, which consisted of eight or ten members, with

considerable salaries, whose services might, in his opinion, be dispensed with without much loss to a single person in India except themselves. This extraordinary Council was engaged for several months in passing legislative Acts, but upon the value of their services all classes were agreed. The prayer throughout India was that the plague of legislation, which had perplexed and harassed the land for the last 20 years, should, if possible, be stayed. In "another place," the proposal to nominate an additional Councillor in India had been advocated on the ground that a similar arrangement made in another Department had been a great success. The Department in question was the Finance Department. It was alleged that in by-gone times the Minister of Finance was always taken from the Bengal Civil Service, and that under the guidance of these officials, Indian finance became hopelessly embarrassed. Under these circumstances, it was determined by the Cabinet of Lord Palmerston to send a Minister of Finance from England to Calcutta, and the choice fell upon Mr. Wilson, then a subordinate in the Treasury in Downing Street. It was argued, under the auspices of the new Minister, and by reason of the fresh taxation imposed, that order was evoked from chaos, and a surplus revenue was attained. Now, he (Mr. Smollett) simply denied that the facts were as stated. He broadly asserted that, until 1860, there was never an Indian Minister of Finance at all. The Governors General of India up to 1860 managed the revenues and were their own financiers, and any statesman competent to fill the position of Viceroy ought to be his own Minister of Finance. Surely, Lord Northbrook must know more upon the question of Indian taxation than any person who it might be contemplated to take from the Treasury, or any hon. Member of that House, on whom it might be desired to confer a large salary with nothing to do. Lord William Bentinck, Lord Dalhousie, and Lord Ellenborough were their own Finance Ministers, and so dealt with the resources of the country, that there was far less of profusion and jobbery than was now rife. There were, no doubt, frequent deficits before 1860, but they arose from the warlike expeditions in which the Governors General found themselves involved. Under Lord Wil-

liam Bentinck, whose administration was a peaceful one, there was a large surplus, and a considerable amount of debt had been paid off; but some of the most disastrous and extravagant wars had from time to time been forced on India by the Government of England, as, for instance, the Afghan war on Lord Auckland. Notably, however, and in times of peace, the finances of India, without the aid of a Minister, were managed with great economy. In 1860, it was true, the revenues were found to be in a state of much entanglement, but that arose from the Mutiny in Bengal and the necessity of maintaining something like 100,000 British troops in the country for a period of three or four years. When peace was again restored, and the Army reduced, the revenues of India began to resume their former normal position, and the income tax, which would never have been imposed by anyone who understood India, was abolished. We had, however, not paid off during the last 13 years a single shilling of debt, but for that he did not blame Mr. Wilson and those who succeeded him in office, for they were unable to control the extravagant expenditure on public works. As to the alleged financial surplus for last year, he would merely observe that it had been obtained by a juggle of the figures by excluding from view the £5,000,000 expended on what were called Public Works Extraordinary—but which were extraordinary only in their magnitude—and the amount of the loss which they entailed, and the sums laid out in famine relief. In 1873-4, there was an excess of expenditure over income of, at least, £7,000,000, and that being so, he could not understand how it could be argued that the finances of India were at the present moment in a very favourable position. That position, indeed, appeared to him to assume a rather alarming aspect, when he took into account the appalling sums which were to be expended on public works in the future. He found from the latest Indian Budget that Lord Northbrook, in July, 1873, had set apart a sum of £22,000,000 for expenditure on extraordinary works, the money to be borrowed and the disbursement to be spread over a term of five years ending in 1878. The programme had, he might add, been sketched out before there was any

*Mr. Smollett*



apprehension of famine; but notwithstanding existing circumstances, it would seem that it was still to be adhered to. Again, the newspapers spoke of a great work which had been projected by an engineer of immense genius—a man whose ability, according to Lord Salisbury, was above all praise—a work which it was intended to carry out without delay. Now, he had the greatest dislike of engineers of genius, for his experience was that whenever a genius set himself down to interfere in public business in this country, he generally made a mess of it. And what was the estimate for the work according to the newspapers? £40,000,000 to begin with. Some persons might think that a flea-bite, but he thought it a very large amount to venture on an undertaking which, before it was completed, would cost £60,000,000, while the odds were three to one that it would prove a signal failure. But this was not all. They were now told that although 6,000 miles of railway had been completed during the last 18 years, 9,000 miles more were absolutely required; and the Government of India, so fertile in its resources, had declared its readiness to supply the want. Public companies were no longer required, nor subsidized shareholders, who took all the profit and incurred no risk whatever. These 9,000 miles of railway were to be laid down by the Department of Public Works, which had shown itself so capable of spending public money during the last 18 years. The Secretary of State had told them that these railways might be made inexpensively—he estimated their cost at £36,000,000. But he (Mr. Smollett) would not admit that this was a sufficient estimate. He did not believe they could be completed under £50,000,000 or £60,000,000. Therefore, for railways and irrigation works from £100,000,000 to £120,000,000 would have to be raised for India by loan during the next 20 years, and that was entirely apart from the annual outlay of India—namely, £48,000,000. These calculations were appalling, and he would not sanction by his vote the appointment of a Minister to carry out these projects, many of which might be of his own designing. The projects of expenditure in India in view at the present time were indeed doubly alarming when viewed in connection with the admissions of the pre-

sent Secretary of State. Twenty years ago, when he (Mr. Smollett) was in India, where he had passed many years of his life, the apostle of irrigation was Colonel Arthur Cotton, now General Sir Arthur Cotton, for all his old acquaintances, though he considered them very common people, came back to this country with handles to their names. Sir Arthur Cotton, in 1854, was constantly suggesting to Lord Dalhousie the propriety of borrowing £20,000,000, for the regeneration of India, to begin with. The money was to be expended wholly on irrigation works, for the gallant officer had an awful horror of railways and of their projectors. Projects of this nature were not to be wondered at, coming from Sir Arthur Cotton, for that amiable enthusiast laboured under a hallucination that irrigation works would yield at once, on an average 100 per cent profit, and millions hereafter, to the lucky cultivators. But it did strike him with astonishment to find that the present Secretary of State, who had much more solid and truthful views than the apostle of irrigation, should apparently advocate a gigantic expenditure on works of this description in 1874, for what did Lord Salisbury say? He spoke first of the Railway Department. He said—

“Those works, though they had conferred great advantage on India, were, commercially speaking, not profitable. Many of them did not yield the interest of the money borrowed for their creation.” Then, with regard to irrigation works, he said “A happy superstition had prevailed for the last 10 years in England and India, that it was only necessary for the Government to lay down such works to produce immense profits to the State, and magnificent returns to the people. But this delusion had been dissipated by the stern and inexorable logic of facts.”

Now, he (Mr. Smollett) had never been a devotee to that superstition; and he had been superseded in India because he could not believe in such delusive statements. For 25 years he had, in season and out of season, denounced that superstition as a base imposture; but he was glad now to find Secretaries of State coming forward and admitting that he had been perfectly correct. He could not sanction the career of expenditure which had been shadowed forth, and he trusted the House of Commons, by rejecting this Bill, would place a veto on such extravagant schemes. He adhered

to all the opinions that he had ever entertained upon the expenditure in India on public works. He was one of those who felt that men who had spent from £14,000,000 to £20,000,000, in recent years, on public works which yielded nothing, should be brought to justice. The Government of India should be compelled to pause, till, by economy, retrenchment, and reform, they had acquired a surplus which might be expended on public works without detriment to the finance of the future. For what, after all, were these public works but "gigantic speculations," framed by ignorant engineers, and carried out by means of loans, the interest on which must be levied by increased taxation imposed upon an already overburdened population. If eager speculators and sanguine philanthropists desired to see great undertakings matured without any delay, he (Mr. Smollett) would offer no opposition, upon one condition, and that condition was, that the interest on the money borrowed should not be guaranteed in future, to be paid from the ordinary revenues of India, but should be defrayed from the proceeds of the works themselves, when they yielded any true returns. If capitalists were not prepared to lend money on the security of the works themselves, that might be taken as a proof that the public had no faith in the honesty of the undertakings, and if that was the public feeling on the safety of the security, he denied the right of Government to spend the money of the people on speculations to be made from taxation, on the imposition of which that people had no voice. These were the principles of honesty, prudence, and common-sense; the policy he indicated was the only policy which would reconcile the people to the Government and foster the loyalty of the mass of Indians in the alien rule under which they lived. Such a policy would take away all anxiety for the future, and place the finances of India on a basis of prosperity. For those reasons he begged to second the Amendment of the hon. Member for Hackney.

#### Amendment proposed.

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, it would be inexpedient to proceed with this Bill until the opinion of the Governor General of India in refer-

ence to it has been ascertained and laid upon the Table of the House,"—(Mr. Fawcett.)—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. GRANT DUFF: We have wandered over a very wide field, and I have more than once during the discussion felt inclined to say in the words of an English classic—"Sorry to interrupt so much learning, but I think I've heard all that before." I should like, Sir, in a very few sentences, to recall the attention of the House to the not very large question which is legitimately before us—the question whether we should or should not delay this Bill. I do not think we should. I have no prejudice in its favour. It is unlike two other Indian measures which have passed this year—no child of the late, it is the child of the present, Government. It is no part of my business to defend that Government, but we should be fair, even to our adversaries. The Government, after all, are our fellow-creatures, and it really does seem to me too hard upon them to blame them—as they have been blamed in the course of this discussion—because the debate in "another place" only occupied two columns of the morning papers. Why, if that proves anything, it surely only proves that noble and learned persons in "another place" saw no particular harm in the Bill. Then, again, objection has been taken to our proceeding with its consideration, because the Secretary of State spoke of it in "another place" as a Bill of much importance, while the Under Secretary has spoken of it here as a Bill of minor importance. That is no valid objection, for, in truth, both statements were perfectly accurate. The Bill, as introduced in "another place," contained a clause of the most discreditable character. I wish to express no opinion for or against that clause; but I do say that it involved most serious issues, and that we might well have discussed it for a couple of evenings. That clause, however, has disappeared. It is no part of the Bill before us, which has shrunk through its disappearance to very moderate dimensions. Again, a great deal has been made of the figure of 40,000,000, which occurred in the speech of the Secretary of State, as given in a morning paper.

Mr. Smollett

Well, I, too, saw that figure of 40,000,000, and was, I need not say, startled by it; but I took the surely not very unnatural course of asking the first authorized person I chanced to meet about it, and was, of course, informed that it was a mere mistake of the reporter. With regard to the measure itself, it surely does stand to reason that, as the Governor General has a great deal to do, and his Council has a great deal to do—the hon. Member opposite (Mr. Smollett) said not too much, but that is very doubtful—and as the business of the Public Works Department has enormously increased, and as, further, it has certainly not been the most successful Department of our Eastern affairs, there is a *prima facie* case for trying the same experiment which has succeeded so well with our legal system, and so fairly with our finances. That experiment was the creation of a member of Council specially charged with looking after that particular Department. No doubt, every now and then you will have a Viceroy, who, like Lord Mayo, will take a special interest in public works, and whose minds will be occupied by quite a different class of subjects. Who can say that when the Viceroy was fully occupied, perhaps with pressing political business, it would be otherwise than extremely convenient to have a member of Council taking special charge of public works? A good deal has been said on either side of the House with reference to the personal opinion of the present Viceroy with regard to the Bill. I am rather sorry that topic has been introduced at all; but as it has been introduced, and as very strong statements have been made on my own side of the House, I think it is only just for me to say that from personal knowledge, derived from sources quite unconnected with those possessed by the noble Lord opposite, I can confirm what he said, and assure the House that the Viceroy has no strong opinion about this Bill, and has expressed a wish that his personal Friends should not vote against it, in consequence of an erroneous impression that he is opposed to it. I say that I am sorry this topic was introduced at all, for the person who is immediately responsible to Parliament is not the

Viceroy, but the Secretary of State, and the surest way for this House to maintain a control over Indian affairs is to maintain his responsibility intact. If we once begin to insist that the Secretary of State must show to us that his measures are approved by the Viceroy, what is to prevent a Secretary of State saying to us—"True, such and such a measure has not been successful, but you must not blame me; it was approved by the Viceroy." Then, again, the Secretary of State has been censured because he did not consult his Council. The legal point, I understand, is given up. No one says that he was in duty bound to consult his Council; but it is said he ought to have consulted them. Well, some of them he did consult. That I happen to know. But is it really to be maintained that this House is to lay down rules as to the particular method in which the Secretary of State is to use the assistance of his Council? That would be just another way of weakening his responsibility and our own power. I know not, Sir, that there are any more objections to the Bill to be noticed other than those dealt with in the speech of the noble Lord who addressed us, if I may be permitted to say so, with so much ability; and that being so, and it being now 10 minutes past 4 o'clock on a July afternoon, I think the best thing I can do is to sit down.

SIR SEYMOUR FITZGERALD hoped that the House would permit him to offer some explanation in reference to his views upon the Bill. When it was originally introduced into the House of Lords, it was of a much more extensive character than it now was; for now it only provided for the increase of the Governor General's Council. It came to them, however, as being a Bill of very great importance, because it might impose a vast burden upon Indian finances, now so little able to bear the burden, and also because it would largely affect the relations of the Governor General to his Council. Upon both these grounds, he thought that the Bill was one of the most important that could be brought under the consideration of the House. He did not, however, think that they could entertain the Amendment which had been placed before them. The Secretary of State for India was responsible to Parliament for the administration of India, and it

was to the administration at home that the Governor General was responsible. No doubt, the House was not in possession of the opinion of the Governor General; but what the hon. Member (Mr. Fawcett) said was, that although the Bill was brought forward with the full weight and authority of the responsible Minister of the Crown, yet they should not proceed with it, until they had the opinion of the Governor General, who was not the Minister immediately responsible to Parliament. He (Sir Seymour Fitzgerald) however, put the Motion of the hon. Member (Mr. Fawcett) on one side, because the House surely would not consent to have the opinion of the Governor General interposed between the Secretary of State and the judgment of the House. The first objection to the proposal now made was, that it would increase the number of members of the Governor General's Council. Now, he had himself had many confidential communications with Lord Mayo as to the necessity which that statesman saw for increasing the number of the Council. It was most objectionable that the Governor General should himself be charged with the administration of any particular Department, his proper function being that of exercising a general control, and nothing could more interfere with his general efficiency than that he should be charged with the administration of any public Department. Further, if he had the control of any particular Department, it would place his Council in a most difficult position when proposals came from the Department with which the Governor General himself was charged, because they would hardly like to attempt to control him. The Governor General however, must himself take the control of some Department, whilst his Council should continue so small in number as it now was. It had been said that there was the Legislative Council; but the members of that body had been appointed solely with reference to legislation, and not at all in connection with administration. He took it to be clear that the Governor General's Council must be increased, and that the Governor General should no longer be charged with the administration of any special Department. Then it was said that it was necessary to have some one person responsible for the public works

in India, and he did not think that there was any one who would not say that some one person should be made responsible for these public works. Now he came to the consideration whether the proposition of the Government was one that should in every respect meet with approval. Though he was quite prepared to vote for the second reading of the Bill, he did not concur as to the particular method of appointment of this officer, though he agreed that there should be such an appointment. He did not believe that there could be anything which would be more unfortunate than an addition to these special Members of Council who were to a considerable extent removed from the control of the Governor General and of the Council itself. The appointment of the legal member of the Council had not by any means met with universal approval in India. It had brought on an anxious feeling among all classes in the Indian community which it would be very difficult to eradicate. The gentleman appointed was no doubt an eminent jurist; but he was inclined to try experiments and to meddle with the laws of inheritance, succession, and marriage, upon a theory of his own, that he could reduce them to a system that would be satisfactory to a jurist of education like himself; but not very likely to be productive of much satisfaction in India. He therefore thought it desirable to appoint an additional member of Council in order that he might take charge of the Public Works Department and be responsible for it; but it was a different thing that he should be sent out in a position different from that of the other members of Council and be relieved from the control of the Governor General. There was no ground for the terms of unmeasured condemnation in which the hon. Member for Hackney had referred to the extravagant estimates of some of the public works in India which had been in most instances largely exceeded. Had public works in this country always been carried out within their original estimates? The House in which they were now sitting was estimated at something under £1,000,000, but it cost more than £3,000,000. Then, as to railways, the expenditure had been under the control of the most eminent engineers, yet there was not a great bridge or a great work

*Sir Seymour Fitzgerald*

where the work had not been inefficiently done, and where it had not cost twice as much as the original estimate. The public works had been very expensively administered, but no remedy for that would be found in the present Bill. His hon. Friend the Member for Cambridge (Mr. Smollett) asserted that the *personnel* ought to be diminished; he (Sir Seymour Fitzgerald), on the contrary, maintained that it ought to be doubled, if they would secure economy and efficiency. In the Presidency of Bombay, a man sometimes had the supervision of a district 150 miles in length and 50 or 60 in breadth, and it was impossible for him to exercise that minute control which was necessary where an engineer had to do with native contractors. Another effect of a weak *personnel* was, that when the health of one man gave way an entire change was necessary. The new superintendent did not know what his predecessor had done, plans were altered, estimates were increased, and it took six or seven years to execute works which ought to have been completed in two or three years, and at very much less expense. It was therefore quite clear that the Board of Public Works in India did not deserve the unmitigated reproach cast upon it by the hon. Member for Hackney, for it was absolutely impossible for the present limited staff to exercise perfect supervision over such an extensive area. Before sitting down, he wished to say a word on a matter personal to himself. In the last Session of Parliament, the hon. Member (Mr. Fawcett) had referred to the very large expenditure connected with the Government Palace at Poonah. The Returns would be found in Papers which had been laid upon the Table. It was stated that he (Sir Seymour Fitzgerald) was responsible for that expenditure; but he wished to take that opportunity of stating that for the bulk of that expenditure, he had no responsibility of any sort, kind, or description. The greater portion of the works was completed and occupied long before he received the appointment. As soon as he arrived in India, he found that the works were being carried on without plan or estimates, and he ordered them to be stopped until plans and estimates were prepared. He was told that that could not be done, because there were contracts which would be interfered

with. He then insisted that estimates should be sent in, and the first representation made to the Secretary of State for India, as to the enormous expenditure on these works, was made by his direction within five or six months of his arrival in India. In saying that, he did not wish to throw any responsibility upon his distinguished predecessor. All who knew him would agree that while he was liberal, not to say profuse, where the interests of the public required it, he would grudge the outlay of even a single rupee upon his own convenience or the dignity of his office. It was only from the fact that his predecessor was just leaving India, and that he (Sir Seymour Fitzgerald) was not able to go up the country while these works were going on, that that large expenditure was incurred. He did not hesitate to state that a Despatch more inaccurate and unjust than that of the late Secretary of State on this subject was never signed by any Minister of State. That Despatch spoke of the large expenditure incurred, yet added, that after it had been condemned, a further expenditure had been incurred by the Government of Bombay. That was wholly inaccurate. What happened was this—Long before he went to India certain works that were not part of Government House were in progress, giving accommodation to the clerks and persons in charge of the Military and Irrigation Departments. After this profuse expenditure had been the subject of remark, the Government of India ordered that a portion of the cost, which had been debited to the Military or Irrigation Department, should be written back and debited to the general scheme of Government House. The Papers were all sent home to the Secretary of State. They were in his possession, and he was aware that that had been done by direction of the Government of India. Yet the late Secretary of State treated that as a new and unauthorized expenditure. Pungent remarks had been made by the Press both in England and in India, and it was due to himself to ask permission to give this explanation. With regard to the general question, he should be sorry if the Bill, in increasing the number of the Council, did not leave the power of selection of the member of the Council who was to have charge of the public works in the hands of the Governor Ge-

neral. They, however, had been informed that the new member of the Council appointed by the Secretary of State, and to a special Department with special functions, was an engineer. If that was true, they were doing a most unwise thing. What was wanted in the Council of the Governor General was not a man of professional eminence. Of course, there must be a proper inspection by competent persons directly responsible to the Governor General of all plans of proposed public works and irrigation; but the questions which came before the Council were not those of engineering, but of general policy. Men trained in the civil Department might have the special qualities required in a far higher degree than men of the utmost eminence in a professional point of view. When a question came before the Council—say of irrigation—to cost a given sum, the point to be decided was how money was to be found to pay interest on that cost. He knew that when it was seen that the administration was unsatisfactory, and the condition of the people deplorable, people here were in the habit of saying that it was because there was not enough money spent on public works and irrigation. The consequence of that ill-informed public opinion was, that large expenditure had been entered into, for which the Government of India was made responsible, and for which there was no proper provision. Believing that it was necessary that the Council should be increased in number, he should vote for the second reading.

GENERAL SIR GEORGE BALFOUR said, that while he coincided generally with the views of the last speaker, he could not believe it to be wise or expedient that any member of the Council should have the independent power which the Bill gave to the new Minister of Public Works. The Governor General ought to be able to look into every administrative Department. So far from the Council of the Governor General being increased, he would rather see it reduced, and definite duties and responsibilities imposed upon every member of that Council. The Board of Works had been exceedingly ill managed. The Governor General had specially administered that Department himself, and its failure financially and professionally would not have been so long concealed,

if it had not been known that the Governor General was at its head and entirely responsible for it. Was it right that such a vast amount of detailed responsibility should rest upon the Governor General? Lord Mayo, who did his duty nobly and worked laboriously, complained of the amount and extent of the work. Yet, at that time, Lord Mayo had the assistance of a distinguished engineer officer in conducting the public works.

MR. BECKETT-DENISON said, that people naturally asked what were the circumstances which suggested the introduction of a Bill of that importance at so late a period of the Session? His own opinion was, that the Secretary of State for India had been influenced by the extraordinary facts disclosed in the Correspondence which, about the time of the second reading of the Bill in the House of Lords, was laid upon the Table. That Correspondence disclosed numerous cases of grave omissions in the execution of designed works, and in carrying out the orders of the superior authority, nearly amounting to contumacy. The House was well aware that the Civil Service expenditure in India had been brought within proper control; but they also knew that by no process of arrangement had they been able to keep the Public Works Department in that order which they all desired to see. It was admitted that that was the weak point of their administration in India; and now more than ever, because that Department had to deal not merely with surplus Revenue—always a small sum—but with vast sums raised on loan nominally for works which were expected to prove productive, but which unfortunately were generally productive of nothing but disappointment. It was obvious that no Government could go on laying burdens on the Revenue, without having any idea whence the interest on those burdens was to be derived. The question, then, was, how far the Bill now before the House would correct these evils? He agreed with what fell from the late Governor of Bombay (Sir Seymour Fitzgerald), that if it were proposed by the Bill to nominate an additional member of the Council, simply as an addition to the strength of the administrative Department, then it would be productive of great good; but, on the contrary, if he were a purely pro-

*Sir Seymour Fitzgerald*

fessional man, with the idea of creating a great name by identifying himself with vast and gigantic public works in India, the Bill would be a great mistake. The Council, as a whole, was responsible for public works, and the member specially appointed to see to them should be completely subordinate. There should be no room for the idea of an independent authority—a sort of Imperial Brunel. The Secretary of State, they knew, took the greatest possible interest in this proposition; and he had, no doubt, thoroughly considered, not only the appointment, but how it should be carried out. It would be wrong, therefore, to thwart the noble Lord in his plans, and he should vote for the second reading. At the same time he reserved the right to move certain limitations as to the power of this official, in Committee, which might dispel some of the serious misgivings which persons acquainted with India could not help entertaining.

MR. FORTESCUE HARRISON : The Bill now before the House has for its object the creation of an additional member of the Governor General's Council. This new member is to be charged with the entire control of the public works there, and so strengthen that Council in its now weakest part. To those who, like myself, have an intimate personal knowledge of India, it was scarcely needed to refer to the Returns which have been laid on the Table of the House. I allude to the Returns showing the large expenditure over original Estimates incurred in the construction of public works in that country. Those discrepancies are chronic, and have supplied food for amusing local gossip for many years past. To the minds of all thinking men, they are a scandal which reflects discredit on our system of government, and constitute an act of gross injustice to the people who are forced to provide the funds for these monuments of extravagant incompetence. The enormous demand which must be made in the immediate future for the construction of public works in India will, beyond all question, seriously affect her finances, but not less will those works, if carried out, as I hope they will be, conduce to the welfare of the population, and the general prosperity of the country. The effect of the appointment of a Member of the Council charged with

the supervision and control of all public works will be that for the first time there, we shall have a responsible officer to carry out, on a comprehensive system and in a uniform manner, all the great public works of the country. Among such works may be classed irrigation, the construction of canals, the improvement of the natural water-courses, with the object of making them available for boat navigation at all seasons of the year, the supervision of all the railways already constructed or to be constructed, and all the public buildings of our vast Eastern Empire. We have still 9,000 miles of railway to make, at an estimated cost of £36,000,000, and we have also, by a comprehensive and skilful system of irrigation and storing-up of water, to prevent, or at all events to mitigate, any further visits of that scarcity which has recently caused us all so much anxiety. The necessary irrigation works alone will cost no less a sum than £40,000,000 sterling. The heavy task of providing these vast sums is to be laid on the Indian taxpayer, and the House is bound, as far as practicable, to see that the money is honestly and judiciously applied. If we are to go on upon the plan hitherto prevailing in India, by which, as the official Returns show, £6,500,000 are required to satisfy original Estimates of £4,000,000, then we must either make up our minds to increase very largely our already prodigious Estimates, or be content to considerably diminish our plans. It is said by those whose views are unfavourable to the contemplated change, that excess of cost over estimate is common to all parts of the world, and that this country forms no exception. That may be so, but it is no argument against attempting a remedy for a proved evil. Increased cost over estimates in this country may to some extent be accounted for by the sudden and great fluctuations in the price of labour, and the consequent advance in the value of manufactured materials; but that is not so in India. There we have no trades unions or other combinations to increase wages. In no part of the world that I know of can the cost of work as a rule be more accurately estimated. No doubt, since the introduction of railways into that country, there has been an increase in the wages of labour, and I believe the first contractors suffered in consequence. That was

owing to a large and unexpected demand for labour springing up in particular localities, and a rise of wages for ordinary labour took place which has ever since been maintained. The House will observe, by the Correspondence which has been laid on the Table, that although the Marquess of Salisbury has in no measured terms stated his opinion of the officers concerned, only a very feeble excuse is offered on the score of increased prices for labour or materials. The truth is, that unskillfully prepared Estimates, and want of proper control over expenditure by superior authority, is at the bottom of the present state of affairs. Possibly this measure is not so popular in India as its promoters could wish; but the feeling against it is one that might have been anticipated. The change now proposed, if carried out, will doubtless offend many prejudices, and possibly affect some interests. A strict supervision over the disbursement of enormous sums of public money may be distasteful to a limited number, but no opposition of that character ought to have the slightest weight in the discussion of the principle involved in the Bill. I need hardly say that, if the measure now before us passes into law, a great deal, if not everything, will depend on the capabilities, the firmness, and the energy of the man first selected to fill the office, and I have no doubt that is a point which will receive the careful and the earnest attention of the Government. I am far from saying that the fittest man to fill this most important office cannot be found in India. Local knowledge would perhaps be more reliable in this case than that of any other member of the Governor General's Council, for there is no analogy in the requirements of a finance or a legal member and that of a Minister of Public Works. Men of thought imported hence would be best adapted in those first-named cases, whereas a man of action and local knowledge is indispensable in the last. This is a matter for those who are responsible to this House, and not for the House itself. It is our duty to consider, looking at the magnitude of the interest involved, at our clear duty to the people, and the credit of our administration in India, whether we ought to comply with the wishes of the Government as embodied in this Bill. In my judgment, we ought to look on the proposal as a

*Mr. Fortescue Harrison*

reliable one, and one that ought to commend itself to every person who has really the interest and welfare of India at heart. I congratulate the noble Marquess on his wisdom and on his courage, for I am not insensible how much of the latter quality was needed to insist on this course. He will receive, as he deserves, the grateful thanks of all those whose knowledge of the country and the people enables them to estimate truly what will be the result of this measure.

Mr. GRANT DUFF hoped he might be allowed to express his regret that the hon. Gentleman (Sir Seymour Fitzgerald) had introduced the subject of Government House at Poonah without giving Notice of his intention to do so.

Mr. DISRAELI: On the general question of this Bill—introduced to the consideration of the House by my noble Friend the Under Secretary of State for India in so complete a manner, and with ability so distinguished, that it has been recognized on both sides of the House—I have very little to say, except that I hope there will be no division upon the second reading. Vast sums have been expended upon public works in India, and the unsatisfactory manner in which those vast sums have been expended has produced a very general opinion that some protection is requisite. I will only say that the last letter I received from Lord Mayo was upon this subject, to which, indeed, he had often adverted in his correspondence. And there was nothing upon which Lord Mayo insisted as more important and necessary to the administration of India than an appointment of this kind. One or two remarks have been made to which I should like to advert. The first was made by the hon. Member for Hackney, who treated the Bill as a slight upon Lord Northbrook, who, he said, had passed through a great crisis with credit and distinction. I am perfectly aware of the conduct of Lord Northbrook during the trying crisis he has had to encounter; but when I come to consider the amount of support received by Lord Northbrook during that trying occasion, I do not think that the present Secretary of State for India can be looked upon as one who has been deficient in that respect. He has, on the contrary, on every occasion given that support to Lord Northbrook, which a person holding his high position was enabled to give with great



effect. Therefore, there has been no disposition on the part of the Secretary of State or his Council to be wanting in giving due support to Lord Northbrook. I may take it upon myself to say, that before the formation of the present Government, upon an occasion when it was necessary I should express my opinions upon public affairs, I adverted to that great calamity which has occurred in India, and I took that opportunity to do justice to the eminent qualities of Lord Northbrook, which we might have assumed those who had been connected with him by previous ties and similarity of opinion would have hastened to support. The hon. Member for Hackney also said that the proposal would add enormously to the expenditure of India. Necessarily, it will add nothing to that expenditure, and that expression is therefore scarcely justified: nor will any new scheme be added to those already matured and prepared. All the schemes which have been adverted to by the Secretary of State are entirely independent of this appointment, and have been decided upon without reference to it. My right hon. Friend the Member for Horsham (Sir Seymour Fitzgerald), whose opinions would always receive great consideration, has expressed an opinion that the Council ought to be increased, but that no engineer with special knowledge should be appointed. My right hon. Friend admitted that there ought to be an addition to the Council, and as to the individual who might be appointed to the post that is a matter which ought to be left to the Secretary of State in communication, as he now is, with the Viceroy. The Secretary of State will not, of course be determined absolutely by the opinion of the Viceroy, but he will weigh that opinion, and before he makes a final decision will communicate it to the Viceroy. The hon. Member for the West Riding (Mr. Beckett-Denison) objected to the proposal as setting up a new independent authority. I do not see in what light the appointment proposed by the Under Secretary in this Bill can be looked upon as establishing a new independent authority. The Viceroy of India must be supreme in his own Council, and no one for a moment questions that that is a principle upon which the safe administration of our affairs in India entirely depends. In conclusion, I must say, I

think the general tone of this debate has been decidedly in favour of the policy recommended by the Under Secretary. There are no doubt objections to details; but there seems a general concurrence of opinion that the vast expenditure upon public works in India should be controlled in a more direct and responsible manner than has hitherto been the case. There seems to be a general opinion that an increase in the Council is justified under the circumstances, though there may be a difference of opinion as to the sort of person who ought to be entrusted with this particular duty. As, however, there seems also to be a general concurrence in the House that it is time for the Home Government to take some decided step which should control and secure a better administration of the general expenditure of India upon public works, I trust the House will give its hearty support to the second reading of the Bill.

Question put.

The House divided:—Ayes 171; Noes 52: Majority 119.

Main Question put, and *agreed to*.

Bill read a second time.

On Question, That the House resolve itself into a Committee on the said Bill on Friday next,

Mr. FAWCETT said, he wished to take that opportunity of making a personal explanation to the right hon. Gentleman the Member for Horsham (Sir Seymour Fitzgerald), with reference to a statement which he (Mr. Fawcett) made last year in the discussion of the Indian Budget. The right hon. Gentleman seemed to think his name had been hardly used. The circumstances were these—when he alluded to the expenditure of the money in question, he mentioned no names, because in discussing such a subject he thought it was better not to do so. He was, however, challenged on the point, and then he mentioned, not the right hon. Gentleman's name, but that of his predecessor, as the person who was Governor of Bombay when the expenditure commenced. An hon. Gentleman, however, soon after came down to the House, and said that the right hon. Gentleman's Predecessor was not in Bombay during any portion of the time that the expenditure was made. Of course, he (Mr. Fawcett) ac-

cepted that assurance. He hoped, however, the right hon. Gentleman would do him the justice to admit that there was nothing inaccurate in his figures. Nothing was further from his intention than to cast any personal blame upon any one who did not deserve it.

Question put and agreed to.

Bill committed for Friday at Two of the clock.

#### REGIMENTAL EXCHANGES BILL.

[BILL 221.]

(Mr. Secretary Hardy, Mr. William Henry Smith, Mr. Stanley.)

#### SECOND READING.

Order for Second Reading read.

MR. GATHORNE HARDY, in moving that the Order of the Day for the Second Reading of the Bill be read and discharged, said, when he brought it in the hon. Member for Stirling Burghs (Mr. Campbell Bannerman) requested that he (Mr. G. Hardy) would give the House an opportunity of fully discussing it. He thought at the time it was his duty to do so; but unfortunately a week had elapsed without his having been able to find any such opportunity; and now he would state what course he proposed to adopt with reference to the measure. He saw on the Paper an Amendment by the hon. Member for Glasgow (Mr. Anderson) to the effect that it was inexpedient, especially at that late period of the Session, to take into consideration a Bill which appeared to be a first step in overturning the Army legislation of last Parliament. Perhaps, the hon. Gentleman would permit him to say that he (Mr. G. Hardy) was not in any way interfering with the question of purchase, and if he did not think this was a totally different question, he would not have brought in the Bill. The matter had been forced upon his consideration by the Report of the Commission which had recently sat, and which recommended that they should revert to the old system of exchanges which existed before the late alteration. That alteration had been made by Royal Warrant, and it was in his power also to alter the new arrangement by Royal Warrant, if he thought proper. But if he were to do so, he should do what he thought a very unreasonable thing.

Mr. Fawcett

Under the new system, it had been relegated to the War Office to see what payments should be made in cases of exchange; but that was a duty which ought not to be thrown on the Department. What he wished was, that whatever should be done for the future, Parliament should have the power of considering it. He had, therefore, brought in a Bill, with which he could not now proceed. He hoped, however, at the very earliest period of next Session to bring in the Bill anew, because he believed it to be in the interest of officers of the Army, and of the Army itself, that that question should be settled by Parliament, and not left as it was. He should now move that the Order be discharged, with a view to the Bill being withdrawn.

MR. CAMPBELL - BANNERMAN said, he was not surprised that the right hon. Gentleman had moved in the matter, which was forced upon him by the Report of the Royal Commission; but in his opinion, neither the Royal Commission nor the right hon. Gentleman himself had fully realized the question before them when they attempted to re-introduce the system of exchanges. The right hon. Gentleman had referred to certain payments being allowed, payments for change of uniform and for necessary expenses of the journey. But he believed to re-introduce any other payments would be to revive many of the evils of the purchase system, which the House of Commons a few years ago was very strongly of opinion should be put an end to.

MR. ANDERSON who had an Amendment on the Paper to move—

"That it is inexpedient, especially at this late period of the Session, to take into consideration a Bill which appears to be a first step in overturning the Army Legislation of last Parliament."

said, that of course he should not move it, as the Bill was about to be withdrawn. He begged, however, to give Notice that when the Bill was re-introduced next year, if it should contain similar provisions to this Bill, he should oppose it, because he did not take the same view as the Secretary for War did. He believed that attempt to re-introduce the old system of regimental exchanges was the first step to the re-introduction of purchase system. He objects

gether to the officers of the Army trafficking in money about their commissions, and he therefore opposed the Bill.

*Motion agreed to.*

*Order discharged : Bill withdrawn.*

House adjourned at five minutes  
before Six o'clock.

## HOUSE OF LORDS,

*Thursday, 30th July, 1874.*

**MINUTES.]—PUBLIC BILLS—First Reading—**  
Registration of Births and Deaths \* (208);  
Lough Corrib Navigation \* (207); Turnpike  
Acts Continuance \* (212); Valuation (Ireland) Act Amendment \* (206); Prince Leopold's Annuity \* (213); Endowed Schools Acts Amendment \* (214).

**Second Reading—**Sanitary Laws Amendment (181); Royal (late Indian) Ordnance Corps Compensation \* (203); Evidence Law Amendment (Scotland) \* (198).

**Committee—**Public Health (Ireland) \* (195).

**Committee—Report—**Police Force Expenses \* (199); Education Department Orders \* (197).

**Report—**Shannon Navigation \* (189); Conveyancing and Land Transfer (Scotland) \* (205).

**Third Reading—**Slaughterhouses, &c. \* (204); Civil Bill Courts (Ireland) \* (146); Alderney Harbour \* (196); Statute Law Revision (No. 2) \* (147).

**Royal Assent—**Wenlock Elementary Education [37 & 38 Viet. c. 39]; Personation [37 & 38 Viet. c. 36]; Powers Law Amendment [37 & 38 Viet. c. 37]; Courts (Straits Settlements) [37 & 38 Viet. c. 38]; Colonial Attorneys Relief Act Amendment [37 & 38 Viet. c. 41]; Board of Trade Arbitrations, Inquiries, &c. [37 & 38 Viet. c. 40]; Building Societies [37 & 38 Viet. c. 42]; Alkali Act (1863) Amendment [37 & 38 Viet. c. 43]; Married Women's Property Act (1870) Amendment [37 & 38 Viet. c. 50]; Hosiery Manufacture (Wages) [37 & 38 Viet. c. 48]; Intoxicating Liquors [37 & 38 Viet. c. 49]; County of Hertford and Liberty of Saint Alban [37 & 38 Viet. c. 45]; Customs (Isle of Man) [37 & 38 Viet. c. 46]; Industrial and Reformatory Schools [37 & 38 Viet. c. 47]; Factories (Health of Women, &c.) [37 & 38 Viet. c. 44]; Chain Cables and Anchors [37 & 38 Viet. c. 51]; Revising Barristers (Payment) [37 & 38 Viet. c. 53]; Mersey Channels [37 & 38 Viet. c. 52]; Local Government Board's Provisional Orders Confirmation (No. 4) [37 & 38 Viet. c. clii.]; Elementary Education Provisional Order Confirmation (No. 2) [37 & 38 Viet. c. cliii.].

## SANITARY LAWS AMENDMENT BILL. (*The Lord Walsingham.*)

(NO. 181.) SECOND READING.

Order of the Day for the Second Reading, read.

LORD WALSINGHAM, in moving that the Bill be now read the second time, said, that this measure, which had come up from the Commons, was only to be considered as a necessary step towards the general consolidation and amendment of the sanitary laws. From 1848 onwards, attempts had been made to legislate upon sanitary matters. Several Acts had been passed of which, perhaps, the first which might be considered of importance was the Act of 1866; but up to 1872 great confusion had existed among the various sanitary authorities in the country. There was a complication of jurisdiction which was one of the points specially referred for inquiry to the Royal Sanitary Commission. They recommended in their Report that the country should be divided into urban and rural sanitary districts, and that one authority only should exercise jurisdiction in each district. In 1872 the Public Health Act was passed, which gave effect to the recommendations of the Commission by dividing the country into urban and rural sanitary districts, the urban authorities under the Act being Town Councils, Improvement Commissioners, and Local Boards; in rural districts the authorities being the Boards of Guardians for each Union, but Guardians representing parishes included in any urban districts were to be excluded from all rural district Boards. The Act also provided for the necessary transfer of powers and property which were to accompany this jurisdiction, and conferred upon the Local Government Board certain powers with reference to the constitution of port sanitary authorities and other matters. It dealt with great and varied interests, with details of local administration, with minute and intricate questions of duty and authority, in which a permanently satisfactory arrangement could hardly have been hoped to be arrived at without some further experience which might enable Parliament to remedy defects, and to condense or to elaborate the system which had been set in motion, according to such

necessities as time and observation might indicate. Many questions had arisen, much experience had now been gained, defects had been discovered, and anomalies recognized in the existing law, which it became the duty of the responsible Department to remedy and to remove. The Local Government Board had long contemplated a complete consolidation of the Sanitary Laws, but until the general provisions of the law had been ascertained and fixed, it was felt that such consolidation would be premature, and the present Bill might be considered as only a necessary step towards it. A large number of the provisions in the present Bill were therefore merely administrative, and, to some extent, technical. It conferred but few new powers, merely improving for the most part, the machinery by which the provisions of the old Acts might be carried out, and defining the means by which various authorities were to perform their duties. For these purposes it was proposed by the first part of the Bill to explain and amend the Public Health Act of 1872; the second part to amend the general Sanitary Law with regard to the powers and duties of sanitary authorities; and the third part to regulate the constitution and election of Local Boards. Subsequent divisions were then devoted to provisions as to the acquisition of property, powers of borrowing, and the audit of accounts. Some regulations followed having regard to the institution and confirmation of bye-laws; while the remainder of the Act was devoted to miscellaneous sanitary provisions in connection with water supply, the prevention of disease, and the sale of unwholesome food. First, in amending the Act of 1872, it removed existing doubts by declaring that the rural sanitary authority and the Board of Guardians were the same authority, and that all regulations applicable to Guardians should apply to them in both capacities. It further provided that transfers of powers held for sanitary purposes should apply to authorities under local Acts, as well as to those under the general law. It also adjusted the incidence of the various rates under which sanitary expenses were to be levied; and provided compensation for officers who might hereafter be deprived of office under its operation. Secondly, in amending the general law, it pro-

*Lord Walsingham*

vided for the payment of expenses incurred by the chief constables in prosecuting offenders in default of the nuisance authority, and enabled the Local Government Board to enforce by mandamus their orders for the execution of necessary works; giving, moreover, power to settle disputes between local boards about boundaries of sanitary districts which were often made the cause for neglecting important duties. There were, as he had said, very new powers taken by this Bill. It extended the borrowing powers of sanitary authorities, and gave them increased facilities for purchasing easements, rights as well as land and water. It authorized them to recover by summary proceedings the costs of the removal of works. It enabled justices to order the closing of wells and pumps which might be proved to be injurious to health, which was an important new power distinctly recommended by the Sanitary Commission. It enabled sanitary authorities to provide hospitals for infectious diseases, and to secure means for removal of patients beyond the limits of their district in cases of emergency. It extended to the Metropolis the power to order the destruction of infected clothing, and provided that complaints of nuisances made by persons other than inhabitants of the place where the nuisance occurred should be attended to. It granted power to Justices to issue warrants to search for unwholesome food, though not exposed for sale, and imposed penalties on lodging-house keepers falsely denying the harbouring of infectious or epidemic diseases. Except in these matters which he had enumerated, the Bill was devoted to clearing up doubts as to the interpretation of the old Sanitary Acts, and to improving and arranging the machinery provided in them for various purposes. Most of the important clauses had formed the subject of distinct recommendation to the Sanitary Commission, and they had received the cordial assent of both sides of the House of Commons. The adoption would assist the action of sanitary authorities, and would greatly facilitate the subsequent introduction of a measure for the general consolidation of the law.

*Moved, "That the Bill be now read 2<sup>d</sup>."*—(*The Lord Walsingham.*)

LORD REDESDALE said, he was glad to hear that, in the opinion of Her Majesty's Government, the Bill was a step towards the consolidation of the Sanitary Laws, than which nothing was more wanted. He had his doubts that it would tend very much in that direction. It would be one Bill the more, in addition to the many others which must be included in any scheme of codification. Sanitary works were apt to be very expensive, and he thought there ought to be the fullest explanation as to the power of acquiring and holding land.

EARL FORTESCUE said, he agreed with the noble Lord the Chairman of Committees in approving the Bill, so far as it was a measure for consolidating the Sanitary Laws, which, undoubtedly, required consolidation; but, considering the enlightened views of the present Prime Minister, he was rather disappointed that a more comprehensive measure on the subject of sanitary reform had not been submitted to Parliament this year. The time wasted on the Intoxicating Liquors Bill would have been much better bestowed in discussing the subject of sanitary legislation; but, after what had been said by the noble Lord (Lord Walsingham) he entertained a sanguine hope that the Government would introduce next Session some large measure on the subject. He had not expected much from the late Government, whose Cabinet included an influential Member who was opposed to sanitary legislation, and which invented the new system of "Ministerial Responsibility (limited)"; but he did expect it from Her Majesty's present Ministers. The Sanitary Acts were excellent in theory, but far too numerous, and he feared that the practical results under them had in many instances been retrograde. If they compared the death-rate of London, Manchester, Liverpool, and other large towns, for the last decade with that of the decade after the Public Health Act of 1848, he thought they would find reason to conclude that the operation of this mass of sanitary legislation had not been far from as beneficial as was expected. The mortality in the Metropolis was greater than what it was some years back, and the right rev. Prelate who had attacked the farmers of Suffolk in respect of the homes of their labourers, would have done well if he had in the first instance

inquired into the sanitary condition of the large towns in his own diocese, nay, of the whole county of Lancashire; for the Returns of the Registrar General showed that while the rate of mortality was decreasing in the country districts, it was increasing in the Metropolis and the other large centres of population.

THE DUKE OF RICHMOND hoped the noble Earl would forgive him if he did not follow him in his comment on the Intoxicating Liquors Bill. He quite concurred with his noble Friends in thinking that a consolidation and revision of the Sanitary Laws was very desirable; but he would not undertake that Her Majesty's Government would prepare a Bill having that object during the ensuing Recess. He could not think, however, that desirability of a Consolidation Bill would afford any good reason for not passing this Bill. Neither could he concur with his noble Friend that the action of the local authorities in respect of sanitary matters had been retrograde. In many localities the local authorities had done much in the cause of sanitary reform.

*Motion agreed to; Bill read 2<sup>a</sup> accordingly, and committed to a Committee of the Whole House on Monday next.*

#### ROYAL (LATE INDIAN) ORDINANCE CORPS COMPENSATION BILL.

(*The Earl of Pembroke.*)

(NO. 203.) SECOND READING.

Order of the Day for the Second Reading, read.

THE EARL OF PEMBROKE, in moving that the Bill, which had come up from the Commons, be now read the second time, explained that in the Indian Corps before the Mutiny and the amalgamation of the Indian with the Royal Army, there had prevailed among the officers a custom of subscribing money to make up a bonus which was given to superior officers for retiring. After the amalgamation that system went on; but after the abolition of Purchase in Her Majesty's Army it was, of course, impossible to allow such a system to continue. The object of this Bill was to enable the Army Purchase Commissioners to consider the claims on retirement of any officers who on the 1st of November, 1871, were serving in any one of what had been the Indian Ord-



nance Corps, and to grant to any of those officers who had retired since, or who might hereafter be permitted to retire, a compensation equal to the sums they would have received in the nature of a bonus for such retirement, after deducting such sums, if any, as they might have received from the Indian revenues in respect of bonus. Such were the provisions of the first clause. There were other clauses in the Bill, but they related only to conditions precedent and to the adjustment of accounts and such matters. He begged to move the second reading.

*Moved*, "That the Bill be now read 2<sup>d</sup>."  
—(*The Earl of Pembroke*.)

Bill read 2<sup>d</sup> accordingly, and committed to a Committee of the Whole House To-morrow.

House adjourned at a quarter past  
Six o'clock, till To-mor-  
row, a quarter before  
Five o'clock.

## HOUSE OF COMMONS,

Thursday, 30th July, 1874.

MINUTES.] — PUBLIC BILLS—*Ordered*—*First Reading*—Medical Act (1858) Amendment \* [238].

*First Reading*—Statute Law Revision (No. 2) \* [237].

*Second Reading*—Private Lunatic Asylums (Ireland) \* [215].

*Committee—Report*—Consolidated Fund Appropriation \*; Expiring Laws Continuance [201]; Real Property Vendors and Purchasers (*re-comm.*) \* [233].

*Considered as amended*—Great Seal Offices \* [223]; Post Office Savings Bank \* [227]; Royal Irish Constabulary and Dublin Metropolitan Police \* [196]; Fines Act (Ireland) Amendment \* [222].

*Third Reading*—Prince Leopold's Annuity [232]; Endowed Schools Acts Amendment [228]; Real Property Limitation \* [138]; Elementary Education Provisional Order Confirmation \* [214], and *passed*.

*Withdrawn*—Juries (*re-comm.*) \* [149].

## PRIVATE BILL LEGISLATION—NEW STANDING ORDERS—HOUSES OF THE LABOURING CLASSES.

MR. ASSHETON CROSS, in moving the adoption of several new Standing Orders, stated that he did so in fulfilment of a pledge which he gave to the House some time ago. They had been

*The Earl of Pembroke*

shown to the Railway Companies and the persons most interested, and any objections which they entertained had been entirely removed. He begged to move the adoption of the following Standing Orders:—

### 48 A.

(Statement relating to houses inhabited by the labouring classes to be deposited in the Private Bill Office.)

"1. In the case of any Bill by which power is sought to take, in any city, town, or parish, fifteen houses or more, occupied either wholly or partially as tenants or lodgers, by persons belonging to the labouring classes, the promoters be required to deposit in the Private Bill Office on or before the 31st day of December, a statement of the number, description, and situation of the said houses, the number (so far as they can be ascertained) of persons to be displaced, and whether any and what provision is made in the Bill for remedying the inconvenience likely to arise from such displacement, and that such statement be referred to the Committee on the Bill.

### 181 A.

(Notice to occupiers by placards.)

"2. In every Bill by which power is sought to take, in any city, town, or parish, fifteen houses or more occupied either wholly or partially as tenants or lodgers, by persons belonging to the labouring classes, a clause shall be inserted to enact that the Company shall, not less than eight weeks before taking any such houses, make known their intention to take the same by placards, handbills, or other general notice placed in public view upon or within a reasonable distance from such houses, and that the Company shall not take any such houses until they have obtained the certificate of a justice in England and Ireland, and of the sheriff in Scotland, that it has been proved to his satisfaction that the Company have made known their intention to take the same in manner required by this provision.

### 181 B.

(Clause to be inserted in Bills.)

"3. In every such Bill a Clause shall be inserted, if applicable, requiring the promoters to procure, within a time to be limited, sufficient accommodation for persons belonging to the labouring classes, who will be displaced under the powers of the Bill.

### 181 C.

(Committee to report specially to this House.)

"4. The Committee upon every such Bill shall report specially to the House, whether such a Clause has been inserted in the Bill; and, if not, the grounds upon which the Committee have decided it to be inapplicable.

"5. That these Orders be Standing Orders of the House."

MR. KAY-SHUTTLEWORTH thanked the right hon. Gentleman for thus keeping an important part of the pledge which he had given in the debate on his Motion, and observed that the only cause for regret was that

these Standing Orders had not been adopted long ago. He hoped the right hon. Gentleman would next Session complete the fulfilment of his promise by finding some means of obliterating from the face of the Metropolis some of those blots which disfigured it, and that he would provide facilities for the acquisition of sites—thus cleared—on which to build dwelling-houses for the working classes.

MR. WHITWELL concurred in the sentiments expressed by his hon. Friend.

New Standing Orders agreed to.

#### STANDING ORDERS.

Standing Order 175 read.

MR. RAIKES moved several Amendments in the Standing Orders, with reference to Drainage and Enclosure Acts. He stated that at present, in any Drainage or Enclosure Bill, it was necessary to obtain in writing the consent of all the owners of property in the parish. This was attended with considerable inconvenience, and he proposed to amend the Standing Orders by providing that only the consent of those who had property within the area affected should be required.

Amendment proposed, in line 18, to leave out the words "Parish to which the Bill relates," in order to insert the words "area to be enclosed under the Bill,"—(Mr. Raikes),—instead thereof.

Question proposed, "That the words 'Parish to which the Bill relates' stand part of the said Standing Order."

MR. GOLDSMID said, that this was a subject of considerable importance, and he hoped it would be deferred till next Session.

SIR CHARLES W. DILKE suggested that the further consideration of the matter should be postponed.

Debate adjourned till To-morrow, at Two of the clock.

#### PEACE PRESERVATION (IRELAND) ACT —SEARCH WARRANTS FOR ARMS.

##### QUESTION.

MR. BUTT asked the Chief Secretary for Ireland, Whether his attention has been directed to the fact that the warrants issued by the Lord Lieutenant, authorising a domiciliary search for

arms in proclaimed districts are not directed to any one by name, but generally to all officers and constables of the constabulary within the county; and, whether the opinion of the Law Officers of the Crown has been taken upon the legality of such general warrant?

SIR MICHAEL HICKS-BEACH: Sir, that form of warrant was originally settled in 1848, and continued under the advice of the Law Officers of the Crown at the passing of the Peace Preservation Act of 1870. For that reason I have not thought it necessary to ask the opinion of the Law Officers of the Crown on the present occasion.

#### JUDICATURE (IRELAND) BILL—IRISH JUDICIAL SYSTEM.—QUESTIONS.

MR. SERJEANT SHERLOCK asked the First Lord of the Treasury, Whether it is the intention of Her Majesty's Government to make any appointment to the office of Lord Chancellor of Ireland; and, if so, whether such appointment will be made before the resumption of legal business in November next?

MR. DISRAELI: Sir, the Resolution to postpone for the present the Irish Judicature Bill has been arrived at so recently in consequence of unavoidable circumstances, that the Government have not had the opportunity of considering the course they would pursue with regard to the vacant judicial offices in Ireland; but it is a subject which will engage our immediate attention.

MR. MITCHELL HENRY said, he would not at that period of the Session waste the time of the House by reading the Question which he had placed on the Paper. It was to ask the First Lord of the Treasury, Whether his attention has been directed to the Pamphlets published by the Lord Justice of Appeal on the judicial system of Ireland, and to Correspondence between the Judge of the Landed Estates Court and the Lord Chancellor, and also to Returns recently laid before Parliament on the judicial work in England and in Ireland respectively; and, whether, having regard to the facts stated in those documents, he will, before another Judicature Bill is introduced relating to Ireland, consider the propriety of issuing a Royal Commission, upon which, as in the similar case of England, the general

public shall be represented as well as the legal profession, to inquire into the whole judicial system of that country both as regards the superior courts of common law and equity, and the county courts presided over by the assistant barristers or chairmen of counties, and also into the appointment and duties of persons unlearned in the law as stipendiary magistrates in that country?

MR. DISRAELI: At this period of the Session it is very considerate on the part of the hon. Member not to read his Question at length. My attention has been called to the pamphlet published by the Lord Justice of Appeal and to other documents; but it is not the intention of Her Majesty's Government to recommend the issue of a Royal Commission before the introduction of another Judicature Bill relating to Ireland, because we believe that we have now all the necessary information in our possession.

#### PEACE PRESERVATION (IRELAND) ACT EXTRA POLICE FORCE, WEXFORD.

##### QUESTION.

MR. REDMOND asked the Chief Secretary for Ireland, If he will explain why the Cesspayers of the county of Wexford are charged with the cost of an extra police force, no such extra force being employed, and the county being, as stated by the learned judge who presided at the recent assizes, in a most peaceful state and a credit to the country?

SIR MICHAEL HICKS-BEACH, in reply, said, he believed that there were five extra policemen in the county of Wexford. If the magistrates in the ordinary way wished the withdrawal of this extra force, Government would have no objection to such a step.

#### CUSTOMS OUT-DOOR OFFICERS.

##### QUESTION.

MR. GRIEVE asked Mr. Chancellor of the Exchequer, If he has finally considered and decided whether the Treasury intend to put the Out-door Officers of Customs on the same footing as the Clerks as to back pay; and, whether he will sanction the same pay being given to the subordinate Out-door Officers at the chief outports as paid to Officers

performing the same duties at Liverpool?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, that with regard to the first Question, he believed the case stood thus: a Commission or Committee was appointed by the Government in 1868, which drew up a scheme for the improvement of the position of the clerks of the Customs. That scheme was coupled with a recommendation that the salaries of the clerks at the outports should be accommodated to the proposals recommended as to the London clerks. There was a further recommendation that after that had been done the position of the out-door officers should also be considered. At that juncture there was a change of Government, and the new Government suspended the whole of these proceedings. After a time the matter was taken up again, and the Report which had been made to the previous Government was adopted, and it was decided to give to the clerks in London that which had been proposed for them. It was further decided that as the matter had been suspended for a considerable time, the clerks should have back pay during that time of suspension. Then came the case of the clerks at the outports; and it was decided that they also should receive back pay, but not for the same period as that for which the London clerks received it. Then came the case of the out-door officers, with regard to whom no scheme had been proposed. Ultimately a scheme was prepared, and their salaries were increased; but the question of giving them back pay was one which did not appear to be founded in reason or justice, their case being essentially different from that of the other two classes of clerks. With regard to the salaries of the subordinate out-door officers at the chief outports, they certainly deserved re-consideration; but it would not be possible to put them upon the same footing as the Liverpool clerks, because the amount of business done at Liverpool was second only to that of London, and greatly in excess of that of any other of the out-ports. Liverpool and London had always been treated on a different footing from any other out-port. The position of the clerks in the out-door out-ports, however, should be considered.

*Mr. Mitchell Henry*



## PAUPER LUNATICS (SCOTLAND).

## QUESTION.

MR. GRIEVE asked, What has been decided upon in regard to the contribution towards Parochial Lunatic Asylums in Scotland?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, it was understood that the contribution would be made in respect of patients who were confined in the parochial lunatic asylums, and a Vote would be proposed at the beginning of next Session.

## HARBOUR POLICE (SCOTLAND).

## QUESTION.

MR. GRIEVE asked the Secretary of State for the Home Department, If he has decided whether any contribution will be made towards the Harbour Police in Burghs in Scotland?

MR. ASSHETON CROSS, in reply, said, the object of the contribution made by the Treasury under the 66th section of the Police (Scotland) Act, 21 *Vict.* c. 72, was to afford a certain amount of relief of local taxation in counties and burghs in Scotland. The county and the ordinary burgh police forces were maintained by local rates; but the police employed in harbour duties, especially at Greenock, were paid out of the Harbour Funds, which were derived from dues charged on goods exported and imported at the respective ports. Therefore, he did not think that, as the law at present stood, the Treasury ought to contribute to the expense of maintaining the harbour police. This was his decision, and it was the same that was arrived at by his predecessor in 1866 when the matter was brought before the Home Office.

## CONSULAR CHAPLAINCIES.

## QUESTION.

LORD HENRY SCOTT asked the Under Secretary of State for Foreign Affairs, What steps Her Majesty's Government intend to take to give effect to the recommendations of the Select Committee on Consular Chaplaincies?

MR. BOURKE: Sir, the Report of the Select Committee upon Consular Chaplaincies has only been received within the last few days. The recommendations of the Committee are under

the consideration of the Secretary of State. No decision has as yet been arrived at with regard to the main recommendation of the Committee; and I would remind my noble Friend that the consent of the Treasury will be necessary before effect can be given to the decision of the Secretary of State.

## ARMY—MEDICAL OFFICERS ON THE GOLD COAST.—QUESTION.

COLONEL LEARMONTH asked the Secretary of State for War, If it is true that the payment of the three junior Medical Officers attached to the three Regiments engaged on the recent expedition on the Gold Coast, is only to be at the rate of three shillings a-day extra, while the Medical Officers on the Staff and those in the Navy received respectively, the former double pay, the latter £1 extra?

MR. GATHORNE HARDY, in reply, said, it was true that the medical officers attached to the regiments, whether senior or junior, received 3s. a-day extra, like the officers of the regiment itself. The medical officers received double pay while they were serving on shore. With respect to the payment of Medical Officers in the Navy, he had no information.

## ARMY—THE MARTINI-HENRY RIFLE.

## QUESTION.

MR. ANDERSON asked the Secretary of State for War, If he has heard reports condemnatory of the Martini-Henry rifles used at Wimbledon as being erratic in their shooting, and inferior to the Snider, and characterizing the weapon as "a miserable malformation;" if it be the fact that the Council issued an order permitting competitors to wind handkerchiefs round the stocks to mitigate the contusions on the cheek of the marksman caused by the kick of the rifle; how many have been manufactured, and what proportion of them are of the same pattern and length of stock as those issued at Wimbledon; and, whether he will not stop the expenditure of public money on these rifles till a more perfect pattern has been attained?

LORD EUSTACE CECIL, in reply, said, that no reports had been received of the character alluded to. No doubts existed as to the shooting of the Martini-Henry rifle being superior to that of the Snider and Enfield. The Council of the National Rifle Association had permitted competitors to use handkerchiefs around the stocks when firing with small-bore rifles, but this practice was not confined to the Martini-Henry rifle, and the rule had been in force for some years. As many as 140,000 Martini-Henry rifles had been manufactured. They were of the same pattern as those used at Wimbledon, and, as to length of butts, the proportion at Wimbledon was 100 long and 20 short, which proportion was given at the request of the Association. The proportion to the Army was one-third long and two-thirds short butts. He begged leave to remind the hon. Member that the Martini-Henry rifle was adopted after a long series of experiments, and trials by the troops at home and abroad. It was favourably reported upon by the Hythe Committee and also by the Council of Ordnance. The Report of the Committee had been laid before Parliament, and no reports had been received as to the defects of the Martini-Henry rifle, except in very minor details, which were now in process of being remedied. Therefore, there was no intention of stopping the manufacture of the Martini-Henry rifles. He might add that as far as his right hon. Friend and himself were concerned, they had no bias in regard to the Martini-Henry rifle. It was a legacy left to them by the late Government, and as such he was sure the hon. Member would see it would not be advisable to arrive at any conclusion on its merits merely upon reports which might appear in the newspapers.

## ARMY MEDICAL WARRANT, 1873.

## QUESTION.

COLONEL LEARMONTH asked the Secretary of State for War, If it is his intention to make any alteration in the Army Medical Warrant of the 1st March 1873?

MR. GATHORNE HARDY, in reply, said, that having already answered the Question on the 13th and again on the 27th of this month, he was surprised at the hon. and gallant Member asking

it again. He had now to give the same Answer as before—namely, that he had no such intention at present.

## SPAIN—BRIGANDAGE IN SPAIN—CAPTURE OF A BRITISH SUBJECT.

## QUESTION.

MR. VANCE asked the Under Secretary of State for Foreign Affairs, If his attention has been called to the capture and detention of Mr. Arthur Haselden, a British subject, by brigands, in the neighbourhood of Linares, in Spain; and, if it is intended to make any application to the Spanish Government to compensate Mr. Haselden for the sufferings he has endured, and the ransom which his relations have been obliged to pay to obtain his release, amounting to the sum of six thousand pounds?

MR. BOURKE: When the news of Mr. Haselden's arrest reached the Foreign Office, the Secretary of State for Foreign Affairs immediately telegraphed to Mr. Macdonnell, the *Chargé d'Affaires* at Madrid, directing him to continue his endeavours to urge the Spanish Government to make energetic efforts in the matter. But, Mr. Haselden was released in consequence of the brigands accepting £5,800 from Mr. Haselden's friends. Mr. Haselden has been informed that Her Majesty's Government cannot repay him the money; but that Mr. Macdonnell has been directed to urge the Spanish Government to do all it can to effect the capture of the brigands and the restoration of the money.

## NAVY—CASE OF ADMIRAL EARDLEY WILMOT.—QUESTION.

MR. HARDCASTLE asked the First Lord of the Admiralty, Whether, having regard to the circumstances under which Admiral Randolph was acquitted by Court Martial, in relation to the grounding of the "Niobe" and "Narcissus," they will reconsider the case of Admiral Eardley Wilmot, who (together with Admiral Wellesley, Commanding in Chief), was removed from his post of second in command of the Channel Squadron, 1871, without such inquiry; and, whether he will recognize the claims of Admiral Wilmot after forty-five years' service to be again appointed to a command?

MR. HUNT, in reply, said, the 45 years of good and faithful service by

Admiral Eardley Wilmot was fully recognized at the Admiralty, and he should be glad to appoint the gallant Admiral to a command, but for the fact that there was no prospect of his remaining long in the service, inasmuch as he would be retired by age next Spring. No Rear Admiral's appointments had been disposed of since he had been at the Admiralty, and none would be for the next two or three months. If Admiral Wilmot were appointed to such a command, he would have to strike his flag next Spring, and it was obviously for the good of the service that officers should be appointed who were likely to remain in the service. On these grounds, he could hold out no prospect of Admiral Wilmot being appointed to a command. At the same time, the gallant Admiral and his friends ought not to consider that the circumstance of his not getting a command cast any slur upon him.

SIR EARDLEY WILMOT wished to say a few words in reference to this matter. ["Order!"] He thought the House would listen to a few words from him respecting his brother—a gallant officer who had served his country in every quarter of the globe for upwards of 40 years. In 1870, his brother having not long before returned from the command of the African Squadron, and having his services adverted to in the Queen's Speech in 1866, was appointed second in command of the Channel Fleet. He had served in the war in China, at Acre, under Sir Charles Napier; he had been at Bomarsund; and he had served in the Crimean War. In 1871 the unfortunate affair of the grounding of the *Agincourt* occurred, and he did not wish to exonerate his brother from the proper share of blame attaching to him. When coming out from the Rock of Gibraltar, in broad daylight, he would admit, his brother being second in command, the ship *Agincourt* being the first ship of the second line, touched on the Pearl Rock. He might mention that the Admiral was not supposed to have any share in the navigation of the ship; but steps were now being taken, he believed, to alter the responsibility of the navigation. Well, as he had already remarked, the ship touched the Pearl Rock, and in a very few hours, having sustained hardly any injury, she was drawn off by Lord Gilford, commanding Her Majesty's Ship

*Monarch*, and she returned to this country. At that time great unpopularity attached to the Admiralty. He did not wish in the presence of his right hon. Friend the Member for Pontefract (Mr. Childers) to allude to the disaster in which he was personally interested. He sympathized sincerely with his right hon. Friend; but there could be no doubt that the accident to the *Captain* brought on the Admiralty a certain degree of unpopularity. The result was that as soon as the accident to the *Agincourt* occurred, his brother and Admiral Wellesley were dismissed by the Admiralty.

MR. DILLWYN rose to Order. He wished to know whether the hon. and learned Gentleman was entitled to proceed with his remarks when there was no Motion before the House?

MR. SPEAKER supposed from what the hon. and learned Gentleman had stated at the outset of his observations, that he intended to conclude with a Motion. If he did not propose to do so, he would, of course, be out of Order.

SIR EARDLEY WILMOT said, he would withdraw his Motion, merely remarking that he did not think justice had been done to his brother, and that he appealed fearlessly to the opinion of the country in the matter.

MR. SPEAKER: The hon. and learned Gentleman has made no Motion.

SIR EARDLEY WILMOT said, he was to have moved the Adjournment of the House.

#### BANK HOLIDAYS—BATTERSEA PARK.

##### QUESTION.

SIR CHARLES RUSSELL asked the First Commissioner of Works, Whether, having regard to the number of poor persons desirous of visiting Battersea Park, during the Bank Holidays, any arrangements can be made by which they may be permitted to cross Battersea Bridge free of toll?

LORD HENRY LENNOX: Under the provisions of the Chelsea Bridge Amendment Act of 1858 an exemption from the payment of toll exists on Sundays, Easter Monday, Whit-Monday, and Christmas Day, and knowing how largely the people avail themselves of this privilege, I have applied to the Treasury in order to obtain their sanction to extending this exemption from

toll to the other Bank Holidays—namely, August 3rd and December 26th. I have as yet received no definite answer; but I have every hope that on Monday next thousands of those poorer classes referred to by my hon. Friend will pass over Chelsea Bridge free of toll on their way to Battersea Park.

#### THE MAGISTRACY—ROCHESTER CITY BENCH.—QUESTION.

Mr. GOLDSMID asked the Secretary of State for the Home Department, On what grounds it has been recommended to the Lord Chancellor to add three magistrates to the Rochester City Bench; if he is aware that the late Lord Chancellor declined to appoint any because sixteen acting magistrates (including the ex officio members) were alleged by him to be more than sufficient to attend to the business; and, whether any previous communication on the subject was made to the Mayor and Corporation of the City?

Mr. ASSHETON CROSS, in reply, said, he had communicated with his noble and learned Friend the Lord Chancellor on the subject, and found that he had appointed the three magistrates in question to the Bench because he believed they were persons who were highly eligible for the office, and because he learnt that two magistrates out of 13 were unable to attend from ill-health; while there were two vacancies from death. His noble and learned Friend had no information with respect to the late Lord Chancellor having declined to make any appointments. If, he might add, the Question had been put with a view to show that there was any political bias with reference to the Rochester Bench, he would only say that out of the 13 magistrates, nine belonged to the Liberal party.

#### SPAIN—CARTHAGENA—CLAIMS BY BRITISH SUBJECTS.

##### QUESTION.

Mr. RICHARD asked the Secretary of State for Foreign Affairs, Whether the British Consul at Carthage has transmitted to the Foreign Office any reclamations from British subjects whose property has been destroyed in that city during the civil war; and, whether the Government has made any representations to the Spanish Government with

a view to obtain indemnity to the sufferers for the loss they have sustained; and, if so, with what result?

Mr. BOURKE: Numerous claims have been made by British subjects on account of losses in the Carthagena insurrection. Under the circumstances of the insurrection, the Spanish Government have admitted the rights of German and Italian subjects, and Her Majesty's Government have contended that British subjects should be no less favourably treated. The claims of British subjects are now before the Spanish Government, and our information leads us to hope for an early and favourable reply.

#### INDIA COUNCILS BILL QUESTION.

Mr. FAWCETT asked the right honourable Member for Horsham, Whether he intends to move, in Committee on the India Councils Bill, the Amendments which he suggested in his speech on the Bill yesterday afternoon?

Sir SEYMOUR FITZGERALD, in reply, said, all that he had done on the day before was to make certain suggestions for the consideration of the Government as to making some modifications in the Bill which he deemed to be desirable. He had reason to know that these suggestions would be favourably considered; but he was not in any event prepared to place Amendments embodying them on the Paper.

#### PRESERVATION OF IRISH ANTIQUITIES—GAELIC MANUSCRIPTS.

##### QUESTION.

Mr. SULLIVAN asked the Chief Secretary for Ireland, Whether he will be able to fulfil the hope held out by him early in the Session, that the recently suspended yearly grant towards the expenses of translating important Gaelic Manuscripts in Ireland might be resumed?

Sir MICHAEL HICKS-BEACH, in reply, said, he had directed communications to be made to the Master of the Rolls in Ireland and several leading Irish scholars on the subject, and he found that although they recommended that the *Annals of Ulster* should be the next matter for consideration, yet the general opinion was that as a preliminary

*Lord Henry Lennox*

to any further translation, the compilation of a dictionary was the proper work to be undertaken. He had not as yet received replies to all the communications, especially not from one gentleman whose opinion was of great value, and who was absent in India, but when he had done so, he would have great pleasure in submitting the matter to the Chancellor of the Exchequer, who would give the proposal his best attention.

#### CHURCH PATRONAGE (SCOTLAND) BILL.—QUESTION.

MR. McLAREN asked the Government, Whether they would consent not to take the Church Patronage (Scotland) Bill after half-past 11 o'clock to-night? On the last occasion it was proceeded with between half-past 12 and half-past 3 o'clock in the morning, and many hon. Gentlemen were incapable of remaining in the House until that late hour.

MR. DISRAELI: We will bring the Bill on as early as we can; but it is impossible to tie ourselves to any particular time.

#### LABOUR LAWS COMMISSION. QUESTIONS.

MR. MUNDELLA asked the Secretary of State for the Home Department, Whether he is prepared to lay on the Table of the House the Report of the Commission on the Labour Laws, with the evidence taken before it?

MR. ASSHETON CROSS, in reply, said, he understood from the Secretary that the Commission had not concluded its labours. It had, however, taken a considerable amount of evidence, which would be in his hands, he hoped, tomorrow, and it might be laid on the Table of the House immediately. He had also ascertained that the Commissioners had adjourned for some time—he could not say how long—and that their intention was to finish their inquiry so that they might be laid on the Table of the House at the commencement of next Session.

MR. MUNDELLA wished to know whether it was not true that the Commission stood adjourned to November next?

MR. ASSHETON CROSS: I am not aware.

#### ENDOWED SCHOOLS ACTS AMENDMENT BILL.—THE NEW COMMISSIONERS.

##### PERSONAL EXPLANATION.

MR. DISRAELI: I wish, Sir, to inform the House of the names of the gentlemen who have been appointed to the vacant post of Endowed Schools Commissioners, and I hope I may be allowed to do so without waiting for the Order of the Day for the Third Reading of the Bill, lest I should be precluded from entering into any debate if it should occur. The additional Charity Commissioner is Mr. Longley, at present Chief Inspector of the Local Government Board in the Metropolitan District. The two Endowment Commissioners are—first of all, Canon Robinson, member of the former Commission, who will, therefore, be able to afford to the new Commission all that experience by which he is distinguished; and the second Commissioner is Lord Clinton, formerly, as Mr. Trefusis, a Member of the House, who has served Her Majesty as Under Secretary of State for India, and was one of the University Commission. As I am on my legs, perhaps I may be allowed to refer to a personal matter—not personal to myself, but to my noble Friend the Vice President of the Committee of Council on Education (Viscount Sandon). A very precise statement has been made, visiting my noble Friend with what is called the responsibility of having devised and drawn up the Endowed Schools Acts Amendment Bill. There is not the slightest foundation for that statement. The Endowed Schools Bill was a Government measure; it was prepared by the Cabinet; the Cabinet are responsible for it, and they are not disposed to shrink from that responsibility. My noble Friend brought it forward at my desire as the organ of the Government, and on the principle which influences me in the management of the Business of this House—namely, that of giving the rising generation of statesmen every legitimate opportunity of distinguishing themselves.

#### PRINCE LEOPOLD'S ANNUITY BILL.

(*Mr. Disraeli.*)

[BILL 232.] THIRD READING.

Order for Third Reading, read.

MR. BURT begged to assure the House that there was a strong and very

general, and, as far as his own experience went, an unanimous feeling against the passing of measures of this kind. In his opinion, it was desirable in the interests of the nation, and, he might, perhaps add, in the interest of the Crown itself, that these repeated applications to the public purse for the maintenance of the Royal Family should by some means be put an end to.

Bill read the third time, and *passed*.

#### ENDOWED SCHOOLS ACTS AMENDMENT BILL. [BILL 228.]

(*Viscount Sandon, Mr. Asheton Cross.*)

##### THIRD READING.

Order for Third Reading, read.

Mr. MUNDELLA, who had given Notice of an Amendment that this Bill should not be further proceeded with till the names of the new Commissioners were given to the House, said he would not persevere with it after the statement of the right hon. Gentleman at the head of the Government. He was gratified at the appointment of Canon Robinson; but he feared they had sustained a great loss in the appointment of the other two Commissioners.

Bill read the third time, and *passed*.

#### EXPIRING LAWS CONTINUANCE BILL. [BILL 201.] COMMITTEE.

(*Mr. William Henry Smith, Mr. Attorney General.*)

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."—(*Mr. William Henry Smith.*)

Mr. BUTT, who had given Notice of an Amendment, complained that two Irish Coercion Acts had been included in the General Continuance Bill, contrary to precedent, and without affording any fair opportunity of considering the propriety of their discontinuance or modification. There was no necessity for calling upon the House to discuss this matter at the present time, for, if the Bill should not be passed, the Acts mentioned in it would nevertheless continue in force till the end of the Session of 1875. It seemed as if it was intended to enact these coercion measures perpetually, and this being the case, it was the duty of Members to press for such Amendments as they considered necessary. He brought forward his Amend-

ment on two grounds—first, in regard to the effect of the practice in question on our general system of legislation, and, secondly, with regard to its effect on Ireland. The Attorney General for Ireland was wrong in saying that the Peace Preservation Act of 1870 was not renewed by this Bill. That measure was passed to amend the Act of 1836, and the present Bill renewed not only the Acts named in it, but also those amending them. Now, nothing was more objectionable than to place Bills of such vital importance, as regarded the liberties of the people, in a Continuance Bill. But, apart from the mischief of renewing Acts of this nature in a General Continuance Bill, he maintained that there was never less justification for proposing a renewal of the Coercion Acts than at the present moment. All the Irish Judges who had recently gone on circuit bore testimony to the absence of crime in Ireland, and one of them expressly declared there was more committed in one county of England annually than in the whole of Ireland. Government, it was said, had not been long enough in office to be able to judge of the necessity for these Acts; but this was a decisive reason for not asking the House to continue them, inasmuch as they ought to be continued, if at all, on the responsibility of the Government, and on Government making out a good case. There was no necessity whatever for determining the question this year. It would be far better to allow it to stand over till next Session. Neither himself nor his hon. Friends around him intended to offer any opposition to the Government, nor had they done so on former occasions, with any factious purpose; but it was not just or fair that they should hold in their hands for two years to come a stock of coercion laws to coerce the liberties of the people. It was suggested on the debate for the second reading of the Bill that a Dissolution of Parliament might take place next year, and it was therefore necessary to guard against such contingency. But was that probable? Were they going to have a new Reform Bill that would make such a proceeding necessary? He proposed on Saturday that the Acts in question should be re-enacted for a time certain—say, till September 1, 1875. He did not now repeat this offer; but on the former occasion it reduced the whole

*Mr. Butt*

question definitely to this—were they going now to renew these Acts for 1876? Perhaps the House was not aware of the effect of this legislation. For one thing it disarmed the whole of Ireland. In 31 out of 32 counties it was a penal offence to keep a gun, even for the purpose of protecting one's crops, without having a licence from the stipendiary magistrate. Nay, more, power was given to the Lord Lieutenant to authorize a search for arms; and from an official Return he learned that no less than 224 warrants issued under that authority were at this time in the hands of persons empowered to execute them. The search might be carried out at any hour, day or night, and any constable might have the task assigned to him. He knew that the power conferred by these Acts had been abused in Ireland, and of that no man in the House could approve. That power had been used for the purposes of private malice and revenge. Now, he maintained that if such a law was to be continued it should be continued after the very gravest deliberation and the fullest consideration, and ought not to be included in a Bill regulating petroleum and turnpikes continuance. In conclusion, he contended that they ought not to condemn Ireland by anticipation, as they would do were they to agree to continue the Coercion Acts till 1876. The hon. and learned Gentleman concluded by moving his Resolution.

#### Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, it is inexpedient that when important Acts of Parliament have been passed for a limited period, any of such Acts, especially those conferring on the Executive extraordinary powers, should be included in a general Bill for the continuance of Expiring Laws, brought in at the close of the Session, without affording any fair opportunity of considering the propriety of their discontinuance or their modification,"—(*Mr. Butt*),—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

THE ATTORNEY GENERAL FOR IRELAND (*Dr. BALL*) complained that the hon. and learned Gentleman was using his influence to make those Members of the House who were not lawyers believe, that if the Continuance Bill were agreed to, the statutes which were called in

the debate the Coercion Acts would necessarily be continued for two years. No one knew better than the hon. and learned Gentleman that such would not be the case. The Prime Minister had given a distinct assurance that if it should be proposed to renew these Acts in another Session a separate Bill should be brought in to effect such renewal. ["No!"] Yes, the Prime Minister had promised that the subject of the renewal of those Acts should, in the event of a proposal to renew them, be submitted to the consideration of the House. The words "till the end of the then next Session of Parliament" were simply intended for conveyancing purposes, and would not be acted upon except in the case of some emergency—such as a new Government coming into office at a time when they might not be able to move for the continuance of these Acts. In such a case they would undoubtedly be continued for two years; but unless something of the kind happened they would be renewed as hitherto year by year. They were dealing with the continuance of Bills not only as regarded fire-arms, but the conduct of the Press and other matters in Ireland, which would end next June, and it would be absolutely necessary to reconsider them before that period arrived. As to the possession of arms, the Irish Government were not prepared to give up restrictions which they deemed necessary. Those restrictions were not intended exclusively to prevent agrarian outrages, but party encounters and hostile conflicts especially in the North of Ireland. Not many days ago riots took place in the North of Ireland, and many shots were fired, so that it was utterly impossible to give up the restrictions as to the possession of arms. His hon. and learned Friend said that the power conferred by these Acts had been abused; but since he (the Attorney General for Ireland) had come into office there had been no complaints of the abuse of the power. He was prepared to say that the whole of this subject ought to be reviewed, and every one of these Bills examined by the Government, with a searching inquiry into the condition of the different places at present proclaimed. But such inquiries would occupy some time, and the Government had stated what they intended to do next Session with reference to this question. He would put it to the

House whether the Government were open to the charge of asking for the continuance of these Acts for a longer duration than was absolutely necessary, and whether a proposal to review the whole subject during the Recess was not as much as could be asked from the Government? He would challenge hon. Members connected with Ireland to say that there had been any disposition on his part to press the law too stringently or too strongly. In the absence, therefore, of any complaint, he submitted that the Government ought to be intrusted with the powers given to them by these Acts for the limited period provided by the present Bill.

MR. SERJEANT SHIERLOCK said, that the statement of the hon. and learned Attorney General for Ireland might be directly tested by the application of legal principles, and he maintained that this legislation was plainly legislating for 1876. Why should they not accept the proposal of the hon. and learned Member for Limerick? If the Government did not intend that the words objected to should have effect, why retain them? The Prime Minister had promised that these Acts should be taken into consideration; but it was impossible that there could be in 1876 any circumstances to plead more strongly in favour of their repeal than the Reports of the Judges on the present state of Ireland, the absence of crime, and the generally satisfactory condition of the country. If those circumstances were insufficient to induce the Government to repeal these Acts, what circumstances would occur next year to induce them to take that course? It was not for Irish Members on his side of the House to assert that the Irish Government had pressed these provisions unduly. That was not the issue they took. They regarded these Acts as unconstitutional, and they objected to their continuance in an Expiring Laws Continuance Bill.

MR. C. E. LEWIS remarked that considerations of great importance centred round this Bill, and he apprehended that an accumulation of this class of legislation would commend itself to no one. This system commenced in 1864, when eight or nine Acts were included in an Expiring Laws Continuance Bill. In 1868-9 the number had increased to 23 or 24, and now about 34 Acts were found in the Schedule. From the nature of the

case powers concentrated in a measure of this sort were contradictory to the very act of Legislature itself. The object of passing a temporary Act was to meet a temporary evil, and the measure being of a tentative character, it was most desirable to make it temporary; but by renewing it in this manner no opportunity was given for amendment. What had been said from the Treasury Bench seemed to prove that the Government were of opinion that high-class measures involving constitutional questions ought not to be included in a measure of this kind. He presumed that when the House went into Committee on the Bill there would be a specific Resolution to omit the Irish Peace Preservation Act from the present measure. Unless a statement was then made by a responsible Minister of the Crown as to the grounds upon which it was proposed to renew an Act to suspend the Constitutional liberties of the people, he could not vote for its continuance. As an illustration of the evil of continuing Acts in this manner, he might mention the Election Petitions Trial Act. It was essential for the safety of those who were subject to the provision of that Act that certain Amendments should come before the House for consideration if not for adoption. When the Election Petitions Bill was introduced some years ago, the right hon. Member for Oxfordshire (Mr. Henley) pointed out that for the first time in the history of this country, matters of the gravest importance were to be decided by a single Judge without there being any power of appeal, and he anticipated what had actually happened—namely, that a man might in that way be stamped with infamy without having been tried by his peers. In what would always be known as the great Rabbit Case, a gentleman who in the middle of an election and of an election speech—without intending anything wrong—declared that his tenants should in future have the power of shooting rabbits, had on that account been declared to be incapacitated for public life for seven years. That could not have been intended by the Legislature. It had not been found that this tribunal insured uniformity, and the House having lost all control over the proceedings, the question of the right of a Member to take his seat might, as in the case of Boston, remain in abeyance for six months. The certificates were some-



times not easy to comprehend ; Judges had stopped certain trials, so that the great advantages which it had been alleged would result from local inquiry had not always been realized, while so far from expense diminishing, he believed it would be found to have increased. Although he felt that the House could not possibly vote for the Resolution of the hon. and learned Member for Limerick, yet he could not help thinking the terms of the hon. and learned Gentleman's Motion were perfectly well justified in themselves, and that in the case of the Peace Preservation Act, the Election Petition Act, and some others, there was every reason why they should be dealt with separately, and not included in this kind of measure.

THE CHANCELLOR OF THE EXCHEQUER said, that apart from the particular question of the trial of election Petitions, scarcely a word had been uttered by the hon. and learned Gentleman who had just sat down, in which he and the Government did not cordially concur. In point of fact, the expressions he had used in regard to this kind of legislation were in strict conformity with the remarks made by Lord Salisbury and Lord Carnarvon last year, and made substantially by himself (the Chancellor of the Exchequer) last Saturday. He entirely agreed—and he spoke for his Colleagues as well as for himself—that it was important that they should put a check on what appeared to be an abuse of their system of renewing Acts. It was not quite a new proceeding—it had now been going on for some 10 years—and gradually the convenience of the system had commended itself to those interested in this or the other piece of legislation. Undoubtedly they had fallen into a rather “slipshod” way of dealing with matters which ought to be dealt with more carefully. It was certainly a very easy mode of getting over the difficulty when legislation was proposed that it should only be proposed temporarily or for one year, in order that they might have some experience of its working, and then consider what more ought to be done. But then, after going on in that way for one year, it was so easy to slip the matter into a Schedule of a Bill brought in at the end of the Session, and to repeat that process from year to

year, that they really ran the risk of gliding unawares into permanent legislation when it was not the intention of Parliament to do so. Besides the Acts to which the hon. and learned Member for Limerick and the hon. and learned Gentleman who had just spoken had referred, there might be found others in the Schedule to which remarks more or less of the same character might apply ; and therefore there was a decided feeling on the part of the Government that a check ought to be put on that system of legislation. But with regard to those Irish Acts, his right hon. Friend at the head of the Government had promised that they should not on any future occasion be put into an ordinary omnibus Continuance Bill, but if it was desirable to renew them that they should be dealt with separately. Again, it had been pointed out on Saturday and also that night that the whole question of legislation of that description for Ireland must almost of necessity come under review at an early period of the next Session, because the question would arise whether enactments that expire in June should be renewed, or, if not renewed, what should be done. It would be seen, therefore, that there was a desire on the part of the Government to take those Acts, at all events, out of that category of legislation. The same principle would apply to other Acts of importance, and they might safely undertake to say that in future much more care and rigour would be observed in regard to the insertion of Acts in the Schedule of that Annual Continuance Bill. It should also be remembered that the Attorney General for Ireland had that evening stated that the *bond fide* intention of that legislation was to legislate for one year only, and not practically for the year 1876. That was a statement entirely in accordance with the purpose and feeling of the Government. But it was undoubtedly open to the answer which had been given to it, that in point of fact they were probably, though not necessarily, legislating for 1876 by the form the Bill assumed. He admitted that that might be the case, and, if so, it would be very desirable so to amend the Bill as to make it clear that they did not intend to carry it over to that year. It was said, “Then let your Acts terminate at the periods here proposed, and strike

out the words, 'the end of the then next Session.'" That, however, was open to one objection. It was all very well to say that they were not likely to have a broken Session, but nobody could positively assert that about June next year they would not have some Ministerial crisis or other event happening. [*A laugh.*] He was glad to find that that suggestion provoked merriment; but such a contingency might arise, and what would be the result? They would not necessarily have a Dissolution, but they might have something equally inconvenient for that purpose—a change of Government. A new Ministry might come in in the month of June or the beginning of July; they might not have time to consider all their policy, and might be disposed to have an Autumn Session and to close the business of the Session very rapidly. Now, what he would propose—and he thought it would substantially meet the justice of the case—would be this: that they should alter the Bill by striking out the whole of the fifth column of the Schedule, which provided that those Acts should be continued until certain dates mentioned in each of them and until the then next Session, and should then provide that those Acts should be continued until December 31, 1875. ["No."] That would literally fulfil the statement of his right hon. Friend. What did hon. Gentlemen desire? Was it not that they should have a fair opportunity next Session of having the subject of the renewal of those Acts brought before the House in a distinct form? Well, if they were made to continue until a limited period—namely, the end of next year—they would secure that opportunity, because it would be absolutely necessary then for the Government to come forward in the course of next Session and make a distinct proposition on the matter. If hon. Gentlemen agreed to that suggestion it would save time now and perhaps avoid unnecessary discussions, while they would really gain the main point which he imagined they aimed at, and thus introduce a better principle into their system of legislation.

Mr. MC CARTHY DOWNING said, he wished to set the Attorney General for Ireland right with respect to what he had stated about the Peace Preservation Act. That Bill was passed on the

30th of June, 1856, and was to take effect from the 1st of July of that year, and expire on the 30th of June, 1858, and there was not one word said about the end of next Session. That Act was not renewed until within a few days of its expiration. In the House of Lords, the Earl of Donoughmore condemned it as an assertion on the part of Parliament that the people of Ireland were beyond the control of the ordinary law, and his views were supported by Lord Redesdale, and at length the Earl of Bea borough, who had charge of it, agreed to the compromise that it should be continued in force for five years, and no longer. Here it was still, showing that faith had not been kept with the Irish people, and under those circumstances he could not accept the offer of the Chancellor of the Exchequer.

SIR CHARLES W. DILKE could not see in what respect their present position would be improved in that matter if they accepted the Chancellor of the Exchequer's offer. The right hon. Gentleman said, if they limited the operation of that Bill to the 31st of December, 1875, the Government would be forced to take the matter into consideration next Session. But whether they passed the Bill in its present form, or in the form suggested by the right hon. Gentleman, that would be equally the case. What he wished was that the Continuance Bill should be taken earlier in the Session, in order that there might be time to consider separately each measure whose operation it was proposed to continue. What was said on a previous occasion did away with many of the objections that might be raised against the course of the Government in respect to Irish legislation; but there were other Acts included in the Bill before the House on which much might be urged, and he wished, with regard to those measures, that the Chancellor of the Exchequer had given a more definite promise on the part of the Government. No one could doubt the absolute necessity which existed for a review of the law relating to corrupt practices at elections, in order to important amendments being made. Many of the Judges—especially Mr. Baron Bramwell—who had tried Petitions in various parts of the country had, in their Reports to Parliament, made important and valuable suggestions with a view to the

amendment of the law, and he maintained that it was the duty of Parliament to consider these suggestions, and, if necessary, to render them the basis of future legislation. There was a growing opinion in the country that, on the whole, more substantial justice was done by the former Election Committees of the House than by the Judges who now tried the Petitions. The legal training of Judges led them, on the one hand, to unseat Members on the strength of single cases which were clearly proved, even though they were what were called "planted" cases; and, on the other hand, Members in whose elections corrupt practices were resorted to, retained their seats because the offences could not be proved in the strictest legal form. In the case of the Wigtown Burghs, an election had been declared void on the technical ground that the voting papers had been wrongly marked—a point on which the House was by no means clear at the time of the passing of the Act; but no evidence was laid before the House as to the way in which the papers were marked, and it was probable that another Judge would have decided the matter differently from the Judge who tried the Petition. All these facts showed the necessity for revising the existing law.

MR. HENLEY said, it was a grave question whether the list of expiring laws contained in the annual Continuance Bill had not grown to an inconvenient length, and did not contain many Acts which had better be left out of it; but, at the same time, he thought the present was the most inopportune and unfair time for bringing such a question forward which he recollected in his Parliamentary experience. What was the state of the case? Last Session the hon. and learned Member for Limerick (Mr. Butt) entered a very mild protest against some of the Bills contained in the Continuance Act, and five months since the Government changed. What would have been thought if the in-coming Government, instead of stating what course they were going to take in reference to many pressing matters, had announced their intention to look up all the evil and all the good that had been done during the last 25 years, and then to do nothing else until everything with regard to past legislation had been put right? He did not think such a course would have been at all satisfactory. With regard to the

election laws, for instance, he did not think it would have been decent—and he used the word in its strongest sense—to enter into a consideration of those laws at a time when the Judges were administering them in different parts of the country. Then, with regard to the Irish laws, he found from the public prints that when the Chief Secretary visited Ireland it was not Coercion Laws to which his attention was called, but the Shannon, which the Irish people wanted to have shut up or opened, or something of the kind. He did not think that the hon. Members who were opposed to the continuance of the Coercion or any other Acts did justice to themselves by bringing the matter forward at this period of the Session, in face of the fact that at an earlier date, when full discussion was possible, they could have asked the House to repeal the Acts to which they objected. The fact that they left the matter until the introduction of the Continuance Bill was apt to lead the outside world to believe that their case was weak on its merits, or that, at any rate, they had a very Irish way of dealing with important subjects. No man could think more strongly than he did that many of the Acts proposed to be continued required looking into; but it could not be maintained for a moment that at that late period of the Session the Government or the House had sufficient time properly to consider them. That discussion might do good in a sense, because it might lead the Government to look into the matter in the Recess; but, considering how supine the House had been in allowing the list of Bills to grow up inch by inch, he did not think it fair to raise the general question at the present time. The list ought to have been watched, and gnawed down bit by bit, instead of being allowed slowly to grow up into the great structure which it had become in these days.

MR. SULLIVAN remarked that had the right hon. Gentleman (Mr. Henley) spoken of this measure in an even less kindly spirit his (Mr. Sullivan's) hon. Friends and himself would have replied to him only in a most considerate and respectful manner. The right hon. Gentleman had demonstrated the unwisdom of the course pursued by the Government, for he had stated that the present was the most inconvenient time to raise the question. Well, but who had raised

it but Her Majesty's Government? The right hon. Gentleman said, that the Government could not be expected in their first Session to look into the future and crowd the Table of the House with Bills. That was just what they had done. They had gone into the legitimate labour of next Session, and had anticipated by 12 months the work which was cut out for them in the statute, and this they had done at the close of a Session in which they pleaded for consideration, and the days of which had been so few. Having ruthlessly slaughtered the Bill which they had promised at the beginning of the year, they drew upon the work of next Session, and asked the House to pass a Bill which would indirectly give rise next year to lengthened discussions. Why, it was asked, had not some of those hon. Members who acted with him brought in a Bill to repeal the Coercion Act? The fact was that it had been resolved to bring in such a Bill; but it was considered that a fair argument which might be urged against it would be that, as the Act would expire in September, 1875, the House ought not to be overloaded with the work of considering such a measure, and that view was acted upon. They had therefore avoided the question which the Government had needlessly and offensively raised. ["Oh!"] He repeated that the Government had needlessly and offensively raised the question. He would appeal to the Chancellor of the Exchequer to consider what he had offered. If there were any force, or meaning, or cohesion in the offer, it virtually amounted to this—that the whole subject must be fully discussed next Session. If that were so, what was the practical difference between the expiry of the Act in September or December? To Her Majesty's Government that meant very little, but to the Irish Members it meant a great deal. If they accepted the offer made by the Chancellor of the Exchequer, they would be placed before their constituents in the false position of having agreed to the continuance of the Coercion Act for a period of four months. For his part, he declined to be placed in such a position. He protested against the continuance of a Coercion Act not only for four months, but for four weeks, or even for four days. The Irish Members protested against such Acts as being unnecessary, offensive, and galling; but they would meet

the reasonable opinions of English Members by consenting to the phrase being altered from "the end of the Session" to "August" or "September." Were the Government afraid that before that time arrived there would be a Dissolution, and that a Liberal majority would follow the close of the Conservative reaction? He would appeal to the Chancellor of the Exchequer to be as considerate and conciliatory in action as he had been in tone. When he heard the speech of the Attorney General for Ireland and that of the Chancellor of the Exchequer, he was reminded that when one of those Coercion Bills was being brought into that House, many years ago, Lord Althorp, the Minister of the day, made part of his speech, but his heart revolted against the task, and he flung the Bill upon the Table; but he found some Colleague to take it up. What the Irish Members were asked to do was to vote that the Irish people were beyond the control of the law, and that the ordinary laws of England, Scotland, and Ireland were not sufficient to guide the social and public life of his countrymen. These Coercion Acts were the most odious and most insulting indictments ever cast upon the virtue, manhood, and morality of a people. As an Irish Member, he would exhaust all the Forms of the House in making his protest against the proposition that Ireland was so steeped in crime and so given over to lawlessness that she must be denied from year to year the free privileges of the Constitution, and that she was not fit for liberty. The Irish people were not a nation of thieves, assassins, and murderers. On the contrary, the charges of the Judges, the white gloves which had been presented to them on several circuits, and the general freedom from crimes not only of violence, but of every kind, was a direct contradiction to the assumption. But it was said that this state of things was owing to the existence of these extraordinary Coercive Acts, and so whether Ireland was peaceful or disturbed, there was always an excuse for governing her by martial law. Cavour had said that anyone could govern in a state of siege, and it was a reflection upon successive Governments in this country that that was the only way in which they governed Ireland. He had no desire to raise the question of the state of crime in England

*Mr. Sullivan*

as compared with Ireland, or to enter minutely into the criminal statistics of other parts of the United Kingdom, though he had been taken sharply to task by some of his constituents for not doing his duty by carrying the war into Carthage. He found, however, in *The Manchester Guardian*—a highly respectable journal—a list of kicking assaults which had been committed both upon men and women, but principally upon women, by their husbands, which would be disgraceful even among savages. Did anyone propose to pass a Coercion Bill for Lancashire in consequence? Why, the hon. Members for Lancashire would be the first to protest against such legislation, and tell the House that it might as well attempt to bring back the Curfew bell. In that very morning's paper were recorded brutal and bestial outrage and crime in a portion of England. He protested against a country where such crimes prevailed—crimes which were impossible in virtuous Ireland—holding up his countrymen as assassins, immoral, and given up to vice. He would not have Mrs. Harriett Winslow, the baby-farmer, shouting across the Channel to his virtuous countrywomen to take care of their infant children; or Broadhead, of Sheffield, shouting to his countrymen to beware of vice and crime. He would not have, by a country where so many of the basest and vilest passions of human nature ran riot, such accusations levelled against his countrymen, who presented to the world the spectacle of a race in which the home affections and the innate virtues of humanity took a stronger hold than in any other. He would not allow that House, for its own convenience, to ratify the fearful indictment against the Irish people that they were beyond the pale and the reach of the British Constitution, and that they needed exceptional Acts of coercive legislation to keep them in the paths of morality and virtue.

THE O'DONOGHUE said, that although there had been a great deal of discussion on these Acts, yet it appeared to him that the real object for which they were maintained had not been placed before the House. Almost every hon. Member who had spoken had stated that there was no country in the world, considering the extent of its population, which was so free from ordinary crime as Ireland. He (the O'Donoghue) would

add the expression of his firm conviction that in the world there were no more virtuous people than the Irish. But everybody knew that the maintenance of these laws had nothing whatever to do with the repression or the existence of ordinary crime. Why was it necessary that these Coercion Laws should be passed? It was because Ireland within the last few years had been threatened with insurrectionary movements—[“No, no!”]—and with attempts to distribute arms for purposes of insurrection. The police were continually seizing arms secreted with an unlawful object, and raids were frequently made on the rifles of the Militia. If there had been no active Fenian organization these Acts would long since have disappeared from the Statute Book. He voted for the Westmeath Act in order to enable the law to get at a gang of agrarian conspirators in that county who were holding the entire community, high and low, landlord, farmer, and labourer, in a state of abject terror. He voted to give the Lord Lieutenant extraordinary powers over the whole of Ireland in order to enable the Government to cope with the Fenian recruiting sergeant. He had supported the Press Clauses in the Act of 1870 in order to restrain writers who by their odious libels on the Government and by distorting everything which concerned the true interests of the Irish people had endeavoured to stir up sedition and civil war. Was Ireland coerced because a gang of murderers in Westmeath had their arms paralyzed and their plans frustrated? Was Ireland coerced because moderation had been enforced in two or three newspaper establishments in Abbey Street? or because the distribution of arms for purposes of insurrection had been rendered difficult and dangerous? or because nameless impostors from America, representing themselves as captains, colonels, or brigadiers, as fancy dictated, had been forced to leave the Kingdom? The great mass of the people suffered in no way from the operation of these laws, and would know literally nothing of their existence but that it was thought necessary to have animated discussions upon them in that House every year, and because of the noise that was made in certain quarters in Dublin. The peasantry had no cause to complain of the conduct of the magistrates or of the constabulary

in carrying out the Acts, the only persons who had suffered a trifling inconvenience under these statutes being a few sporting characters, who had to apply to two persons instead of one for a gun licence, and were unable when their barrels burst to have them repaired by the gun-maker as rapidly as they might wish. It was a grave abuse of language to say that Ireland did not enjoy her Constitutional rights. What Constitutional rights did any Englishman or any Scotchman enjoy which he himself, as an Irishman, was denied? The simple truth was that these measures had been passed for the sake of public safety. Extraordinary powers had, doubtless, been vested in the hands of the Executive; but the Executive could not, under the watchful eye of the public, abuse those powers, even if they wished to do so. He would not repeat familiar arguments to justify measures of a repressive character or cite examples from contemporary history. In common with every hon. Member in that House, he regretted the necessity that existed for these measures; but he could not close his eyes to the fact that it was absolutely essential for the peace and well-being of Ireland that they should be passed. He should vote for the proposal of the Government with a clear conscience, believing that they would not inflict hardships upon any individual, and that their proposal did not involve the deprivation of a single constitutional right. The statement by the hon. Member who last addressed the House that there was more crime in England than in Ireland had nothing to do with the question. If in Lancashire or elsewhere men kicked their wives to death, did they escape punishment? ["Yes."] He was not aware that they did. On the contrary, he saw accounts in the papers that they were constantly punished, and when punishment failed to overtake them the hon. Member might have some reason in bringing this argument before the House.

CAPTAIN NOLAN said, that two English Members had already admitted that Coercion Bills were bad; but the Chancellor of the Exchequer and the right hon. Member for Oxfordshire (Mr. Henley) had pleaded in justification of this proposal that the Government had been only five months in office and that this was a convenient course for them to

take. Now, the grand argument for flogging in the Army was that it was convenient; but he objected to it on that very ground, because he had seen men flogged for offences which did not deserve more than a few hours' confinement. He advised his hon. and learned Friend the Member for Limerick (Mr. Butt) not to accept the offer of the Chancellor of the Exchequer that this Continuance Bill should be passed to the 31st of December, 1875. He objected on principle to some of the Acts contained in the Bill, and he trusted that a majority of the Irish Members would have an opportunity of recording their votes against it, and thus be no party to their own degradation. The hon. Member for Tralee (the O'Donoghue) deserved the gratitude of Irish Members for the way in which he had stripped the debate of all pretences, for he told the House that arms were denied to Irishmen because there was fear of insurrection. He, on the contrary, maintained that the chance of an insurrection in Ireland was a very remote contingency, and it was admitted in every nation which had constitutional rights that the people of a free country were entitled to carry arms. The hon. Member for Tralee had asked what rights had English and Scotch Members of Parliament which were denied to Irish Members? That might be true of Members of Parliament; but the case was very different when they came to deal with men not in that position. It was said that the number of persons who when they applied were refused the use of arms was small. But to judge of the number of persons who wanted arms from the number who were refused was absurd. It was evident that when one farmer in a district was refused, his neighbours would not apply. There were other acts in this Bill to which he also objected. He particularly disliked the 14th clause of the Master and Servant Act, which seemed to hold the same position with respect to the English working-man that the Coercion Acts did in the case of Irishmen. It was felt as a degradation.

SIR GEORGE BOWYER said, the hon. Baronet the Member for Chelsea (Sir Charles W. Dilke), had stated that the Corrupt Practices Act would be prolonged by this Bill till next year. He found that this was not exactly correct, inasmuch as the Act was continued till the

1st of July, 1875, and from that time to the end of the next Session of Parliament. Consequently it would be prolonged for two years. He objected to the Act being continued longer than was necessary, to enable Parliament to discuss and fully consider it, in order to ascertain whether it should be continued or whether something perfectly different should be enacted. That Act involved an important constitutional question as to whether a Judge alone, without a jury, was to decide matters not only of law, but of fact. Election Petitions were very much in the nature of criminal proceedings, because they might result in a Member losing his seat and being subjected to serious political disability; and yet by this Act he was deprived of the benefit of trial by jury, to which the smallest offender in the land was entitled by the Common Law of England. Prior to the reign of Queen Elizabeth, the rule was that a return to a Writ must be traversed in the Court from which the Writ issued. Therefore, an election Writ being issued from the Court of Chancery was returned to the Common Law side of that Court. If the validity of the return was impeached, it turned on a question either of fact or of law. If it was impeached on a question of law, the Judge, the Lord Chancellor, decided it; but if the traverse involved questions of fact, or of fact and law mixed, the Lord Chancellor was incompetent to pronounce a decision. He delivered the Writ and the return to the Lord Chief Justice of the Common Pleas, and the record was tried in that Court either at Bar or at *Nisi Prius* by a Judge with a jury. That was the Common Law on the subject. In the reign of Queen Elizabeth, however, this House asserted to itself the right of trying cases arising out of Writs for the return of Members to Parliament. There was, he believed, a general opinion in the House that the decisions of the Select Committees were, on the whole, more satisfactory than the decisions of the Judges on Election Petitions, for the latter appeared to be various, very conflicting, and sometimes not very intelligible. He maintained, therefore, that it behoved the House to consider the constitutional law on the subject, and that the question ought to be raised whether election cases, if they were to be tried by a Judge, ought not to be tried by a Judge with a jury, thus

restoring the right of every Member to be tried in the same manner as any other person. In order to enable the House to consider the subject next Session, he would move an Amendment that the Corrupt Practices Act should be continued only to the end of the next Session of Parliament.

MR. O'SHAUGHNESSY protested against the continuance of these Coercion Acts, because they did more to irritate and annoy the people of Ireland than any other measures in the Statute Book. If the management of Ireland and the regulation of her affairs were handed over simply to the Common Law of the land—which was now administered in the Assize Courts fairly and justly—it would do more to conciliate the country, and bring about peace and concord, than any legislation that had taken place for a long time. What was the origin of these coercion laws? Their origin was to be found in the past history of Ireland, and the constant attempts by the Government of this country to govern Ireland by a minority of creed, race, and class. English writers and statesmen had admitted that such was the fact, and Parliament had admitted it by the reforms it effected through recent legislation—as in the case of the Irish Land and Church Acts, and the few other beneficial measures that had been passed with respect to Ireland in recent years. Now, that admission having been made—that the origin of these coercive measures was the attempt to govern the majority by the minority—it was proposed to maintain that unreasonable system of government so uselessly tried in the past. They had had long experience of the effect of these coercion laws, and had seen that they were a failure now as they had been before, and by that experience Parliament ought to be guided with respect to the present Bill. There was little hope that this debate would have a satisfactory result. The Chief Secretary for Ireland, like his Predecessors, had to look at the political affairs of Ireland with other eyes than those which guided him in reference to the Shannon navigation and other matters affecting the material prosperity of the country; he had to look at them with the eyes of an Attorney General who was a man of good intentions and high professional qualifications, and who if he had the

necessary experience would be the proper man to direct the Chief Secretary, but who had not that experience. Those who were entrusted with the government of Ireland in these matters got their advice from a few officials at Dublin Castle, who knew no other panacea for the ills of the country than the repetition of these Coercion Laws. This debate might be practically useless for the present; but, as in regard to the other proposals which had for a while met with equal disfavour in the past, the time would yet come when the course now recommended would be adopted, and when the Government would feel that if these coercive measures had been repealed in 1874, more would have been done to conciliate Ireland and to remove causes of irritation than by any measure that had been passed in recent years.

SIR EARDLEY WILMOT deprecated the unconstitutional policy which had been pursued by the Government on this occasion. In his opinion, it was a most mischievous and indefensible plan to introduce in one Bill the renewal or continuance of several Acts, some of which would not expire for 12 months, instead of bringing them forward as separate measures. The hon. and learned Member for Limerick (Mr. Butt) had made a proposition to the House that those Acts should be renewed for one year only, and the right hon. Gentleman the Chancellor of the Exchequer had met this by another proposition—namely, that the Acts, when renewed, should not remain in force longer than the 31st of December next. That was a concession on the part of the Government, but not such a concession as hon. Members on the other side of the House desired. But he thought that by mutual concessions a satisfactory arrangement might be arrived at. He would, therefore, propose that the time for the expiration of the Act should be set down for the 1st of October, 1875. He believed that if the hon. and learned Member for Limerick would adopt this proposal it would meet the view of the Government; and, if not, and the House divided, then, considering the unconstitutional way in which it was proposed to renew these Acts, he would support him.

MR. MITCHELL HENRY said, that he really believed the Chancellor of the Exchequer was desirous of retrieving the blunder that was made by including the

Coercion Bills in this Continuance Bill, and that he saw that the inevitable consequence of leaving them in the Schedule, as they were now, would be to continue them for 12 months longer. That being his view, he had very properly thrown over the logic of the Attorney General for Ireland, who endeavoured to persuade the House, against its common sense, that the objectionable words added to the words "year 1875," "and to the end of next Session," meant nothing at all. But let the Government consider the position in which the Chancellor of the Exchequer placed Irish Representatives. The Bills were intended to expire at the end of next Session—that was about August; and the proposal to add four months longer—namely, until the 2nd of December—was really to ask them voluntarily to assent to keeping Ireland in chains for four months more, when from the bottom of their souls they abhorred the idea of keeping her under coercion, even for a single day. One of the Government's own supporters—the hon. and learned Baronet the Member for Warwickshire (Sir Eardley Wilmot)—had very kindly come to the rescue, and proposed that the date of the 1st of October should be adopted in Committee, and it would certainly become a strong Government, like the present, to make that concession. A weaker Government might stand upon its dignity, and prefer to keep a third part of the United Kingdom under deprivation of the Constitution rather than yield when it had once spoken. That would not, however, be a truly dignified course, and his great respect for the character of the Chancellor of the Exchequer made him believe that he sought only to provide against the contingency of a sudden Dissolution, and did not desire by a side issue to add four months to the humiliation of Ireland. For his part, without having any authority to speak for his hon. Friends around him, he was of opinion that the adoption of the 1st of October, instead of the last day of December, would be as satisfactory a solution of the difficulty as they could fairly expect, and what would the House have gained? Why, a distinct repudiation of the justice of these Continuance Bills, which was a great constitutional gain, and for which the general country would be indebted to



the Irish Members, and they would also avoid the shame and humiliation of keeping Ireland under coercion for an unnecessary period. He would also say that when the House of Commons knew Irish Representatives a little better, they would find them true and just supporters of constitutional Government. The *Bal-lot* had sent to the House Representatives who were not place hunters, but were men really desirous of serving their country, and there were few of his hon. Friends who did not attend the debates in the House of Commons at great personal inconvenience and pecuniary loss, and he trusted that one effect of this debate would be to give the House a more adequate idea of the intense feeling of the Irish people in regard to the suspension of the Constitution in that country. He would now sit down, but he felt that it was impossible for him to pass over the speech of the hon. Member for Tralee (the O'Donoghue) without making reference to it. He regretted his absence from the House, for he would far rather have spoken in his presence. Ireland had long felt the humiliation of the deprivation of the civil rights of the people; but there was one humiliation and one degradation which she felt even more deeply, and that was the desertion of those whom she had trusted. When the hon. Member for Tralee made light of her liberties, she felt the pang involved in the defection of one of her hereditary champions. "Yea, mine own familiar friend in whom I trusted, which did eat of my bread, hath lifted up his heel against me." For what other bread that hon. Member now sought he did not know; but this he did know—that if violent language had been used in Ireland, it was by that hon. Member. The House had some specimens the other evening, and he would only remind them now that when England was really in peril and prepared to avenge the insult put upon her in the forcible seizure of the Ambassadors from the Southern States in 1861, the hon. Member presided at a meeting in the Rotunda, and used language of the most violent kind. Who was it, he would ask, that on that occasion excited the Irish people? Who was it who told the Irish people that then was their opportunity? Who was it that proclaimed to the people of England that they could never depend upon

Ireland at such a crisis, and that America would find in Ireland her best support? He had the words used by the hon. Gentleman on the occasion to which he was referring in his pocket; but he need merely observe that, for the language which he had used the hon. Gentleman had been removed from the Commission of the Peace. Was it, he would ask, because he desired to be restored to that honour or to obtain the favour of right hon. Gentlemen on either side of the House that he now rose in his seat night after night to slander his fellow countrymen? It was sad to think that one whom they had loved, should thus have turned against them; it was a deep humiliation; and having said thus much he would merely warn the House not to put implicit faith in the statements of an hon. Gentleman who had so completely changed his colours.

Mr. FAY, as the Representative of a constituency in the North of Ireland, repudiated the assertion that discord was growing among the various classes of the people there. When these Acts were first passed, there was a deadly feud between Protestants and Catholics; but that feeling had gradually decreased, and now the peace and harmony which prevailed showed that no coercive measures were needed. He might add, to show how little prevalent crime was in Ireland, that the number of persons convicted for offences of all kinds in his own county (Cavan) in 1872 was only 61, out of a population of 150,000. What county in England, he asked, could present a comparatively favourable return?

Mr. BIGGAR contended that it was unreasonable, unnecessary, and unjust to include such important measures as the Coercion Acts in an Expiring Laws Continuance Bill. Moreover, it was not fair to insist upon such a Bill being passed at this period of the Session, when there was no time to consider it properly. The hon. Gentleman was reading in a very low tone of voice from a book, when—

Mr. FORSYTH rose to Order, and asked the Speaker whether it was regular for an hon. Member to read to himself from a book.

Mr. SPEAKER said, the hon. Member was not out of Order in quoting an extract; but he must, at the same time,

remind him that the rules of debate required him to address himself to the Chair.

Mr. BIGGAR did not understand that it was contrary to the Rules of the House to read, as he was doing, an Act of Parliament to illustrate the absurdity of their being asked to renew the statutes which in various of their provisions were thoroughly obsolete. The hon. Gentleman was proceeding to make further quotations, when he was again admonished by the Speaker to address himself to the Chair, and after a few further remarks against the Bill, he resumed his seat.

Mr. CALLAN begged to record his protest against the principle of this Expiring Laws Continuance Act. Whatever reasons might have been urged formerly in favour of the Peace Preservation Act of 1870, and the mis-called Protection of Property Act of 1871, those reasons did not apply on the present occasion. The Attorney General for Ireland had told them that those Acts entailed no inconvenience whatever, and that no honest or loyal man in Ireland would suffer any wrong. He might test the accuracy of that assertion by his own case. In his own county (Lowth) he had obtained a licence from a stipendiary magistrate to carry arms. Now, he had taken apartments across a little channel on the south side of the County Down, and had taken with him a revolver, a rifle, and a fowling-piece; and if a constable, in his absence, had entered his apartments and found those weapons there, he would have been liable to two years' imprisonment with hard labour. He had, however, run this risk with his eyes open, and he did not intend, should any action be taken, to plead that he had been ignorant of the law. Mr. Justice Fitzgerald, in opening a recent assize in the county Down, congratulated the grand jury on the fact that there was no single criminal case for trial, and that the county was in a most peaceful state. Yet this was one of the counties which was to be under the operation of one of the Acts, the operation of which, the House was asked to continue. He maintained that of no English or Welsh county could the same be said in regard to the absence of crime, and therefore he contended that it was grossly unjust to continue this Act in force. As a Member

of Parliament from Ireland, and as one who had a peculiar knowledge of police in that country, he wished to refer to speech of the hon. Member for Tralee (the O'Donoghue). It was an old saying in Ireland, that if a man seduced a girl married her before the birth of their offspring, he made an honest woman of her. Applying this saying to the hon. Member for Tralee, he could only hope that his, he would not say tergiversation, but change of opinion, would in the eyes of the country who had the power to give result in the making an honest man of him. He had never in the course of his life attended more than one meeting of a rebellious character, and he should never attend another. On one occasion he was unfortunately taken to the meeting by the hon. Member for Tralee. He was at that time possessed of more money than he had at the present time, and he invested a considerable portion of it in a daily National newspaper, of which he became the director. Whether it was due to affection for himself or to the facilities generally resulting from a friendship with the director of a newspaper he knew not; but the hon. Member for Tralee at this time frequented his company, and took him to the meeting, for attending which the hon. Member was deprived the Commission of the Peace to which he had not been restored, and also, (Mr. Callan) believed, deprived of his commission in the Kerry Militia. The hon. Member for Tralee afterwards directed the proof of a speech he made at the rebellious meeting, and, as he (Mr. Callan) remarked at the time, made more rebellious by his corrections than it was in the utterance. Since then the hon. Member had become enamoured of the Treasury Bench, and would, he hoped, meet with his reward by redeeming himself in the eyes of the House and of the Minister for the Colonies, whom his attention was particularly directed.

Mr. RONAYNE said, for 20 years he had never known agrarian murder in the counties of Kerry, Waterford, Cork, until the Peace Preservation Act was passed. Last year there was a murder in Cork. In his opinion, there was no reason whatever for extending this Bill. Let them contrast the present state of society in England and Ireland

*Mr. Speaker*

He was not a "bloodthirsty scoundrel," but he could not but feel the difference in the circumstances of the two countries under the same Constitution. He was liable to two years' imprisonment for having in his possession a gun or a pistol or even a percussion cap. His house liable to be invaded at any time of day or night, and every room searched. When he came over here and saw in every street of the metropolis civilian soldiers with rifles on their shoulders and swords by their sides, walking like soldiers, he felt it bitterly, and the sight did not make him well affected to the laws of this country.

Mr. O'CLERY said, the persistent action of the Ministry in thus forcing measures of coercion upon Ireland was only part of the re-actionary policy of every Government since the Union—only part of that programme of bringing Ireland, as a conquered country, to the feet of England, that had always been pursued against her. The sooner the Government announced that fact to Europe the better for Ireland. Russia held Poland in subjection without giving Europe any assurance respecting her future lot; but, at any rate, she did not calumniate her as a nation. Russia did not hold up Poland to the world as a country in which crime was rife, and where the population was guilty of every conceivable offence, the constant perpetration of which, warranted the application of the most stringent measures. The Czar did not seek any such subterfuge to proclaim a state of siege for the maintenance of his sway in Poland. Let the Ministry say at once that they were not prepared to deal with Ireland in the same way as they would with England, and so get rid of all Pharisaical pretence about the blessing of Constitutional Government. If they really wished to do away with dissatisfaction in Ireland, it could not be done by the introduction of such measures as the Coercion Acts. Let the Members of that House consider the state of things in Ireland. Let them think for a moment what would be said if an Englishman was unable to go out after sunset without being liable to arrest by the first policeman he met; and this tyrannical law was not to be carried out by the ordinary constable as understood in England, but by a man armed with a rifle and sword-bayonet, who possessed

far more of a military than police character. This principle of coercion was sustained and encouraged by a few officials in Dublin Castle, whose only chance of advancement in the eyes of the Government was in its continuance, regardless of the wishes of the people. Why not declare that the Irish people were to be altogether debarred from constitutional rights, and that the protection such rights afforded were intended exclusively for England and Scotland, and not at all for Ireland? Such a Bill deserved, and should receive, the strongest opposition on the part of the Irish Representatives.

Mr. J. MARTIN said, he hoped and trusted that his hon. and learned Friend the Member for Limerick (Mr. Butt) would persist in dividing the House on his Motion. He (Mr. Martin) had been waiting on this occasion, as he had waited when this Bill was introduced, but he had waited in vain, to hear one intelligible sentence from any Member of Her Majesty's Government, how it was, and why it was that they tried to cause the people of Ireland not only to be disaffected, but to remain and continue perpetually disaffected, by deliberately, year after year, on one pretence or another, or on no pretence at all—by deliberately depriving Her Majesty's subjects—forming one-third of the United Kingdom—of their rights as British freemen or Irish freemen? He had waited in vain. [Laughter.] Yes, he had heard hon. Members who followed the Government, and who would vote at the Government's bidding that black was white, or that two and three made six in Ireland, mocking at an Irish Gentleman—[A laugh]—yes, an Irish Gentleman, standing up indignantly to denounce this violation of the rights of the Irish people by the Ministers of the Crown. The Ministers of the Crown might regard Ireland as so poor, so despicable a thing—yes, he repeated a "thing"—as so contemptible, as a vile body, upon which experiments in legislation were to be made, that they were not required to give any reason to the civilized world for keeping the people of that country outside of the Constitution, and thereby providing that that people should continue to be disaffected and socially dangerous not only to Her Majesty's honour, but to Her Majesty's authority. He deliberately charged the Government—not

merely the present Government — but every Government which had been in power in England since the usurpation of the Sovereign rights of the Irish nation—with doing this. He said “usurpation,” and he would be glad if some Member of the Government would rise and contradict him. The Government had governed against the Constitution which it was pretended prevailed in the Three Kingdoms, governed by an usurpation, causing Her Majesty not to fulfil the promise made in her Coronation Oath—to regard her Irish subjects as equal before the law with her English subjects. [“Oh, oh!”] He challenged contradiction to his words. The facts were notorious. The rights of Ireland were usurped in the year 1800, and the constitutional rights of Ireland had been kept from Her Majesty’s subjects there year after year since then. Every year since then the great majority of the people of Ireland were disaffected to the rule of the English people over that country—over Her Majesty’s subjects in Ireland. Every year it was notorious that the people of Ireland were disaffected. The English Parliament had passed a long succession of unconstitutional, anti-constitutional, and illegal statutes in order to smother the disaffection that existed in Ireland, and represent to the world and to the people of England that Ireland was a consenting party to the usurpation. Now, at last, through their neglect and contempt of the Irish people—whom they thought they had rendered powerless by starvation and depopulation, they had enabled them to send to that Parliament real Representatives of the national sentiment. [*Laughter.*] He loved to hear hon. Members like the Attorney General for Ireland laugh at his words, because everybody in Ireland, and every Irishman in that House, might be of opinion that the right hon. and learned Gentleman spoke from his brief. He thought he had said enough to indicate the feeling of an Irishman—of a loyal subject of the Queen—of one who had no enmity towards England, and who scorned the conduct of hon. Gentlemen and of the British Press, that thought it necessary for their purposes to carry out a system of calumny against the people of Ireland.

MR. MUNDELLA said, however mistaken hon. Members might think the

opinions of the hon. Gentleman who had just sat down to be, no one could doubt his honesty and sincerity. Asking himself, however, how it was that the Irish people sent such men to represent them, and to express such views, he (Mr. Mundella) came to the conclusion that Parliament had mistaken in a great measure the spirit of the Irish people, and had legislated against their wishes, feelings, and prejudices. He had on former occasions voted for the continuance of these laws, though he had done so with great repugnance, but having noticed the diminution of crime in Ireland he had come to the opinion that these Acts were no longer necessary. He appealed to the Government to promise that when these Acts expired in due course they would free Ireland, at least for a time, from their operation, and for once try her on a fair footing with England. He had no sympathy with federalism or repeal, each of which was absolutely impracticable; and if anything could induce him to vote against the Resolution before the House it would be such speeches as that of the hon. Member for Dundalk (Mr. Callan)—speeches of a kind that they were not accustomed to hear in that House, and of the hon. Member who succeeded him. It was absurd to compare the position of Ireland to that of Poland, and the sooner such absurdities were dropped the better. For the reasons he had stated he should vote for the Motion of the hon. and learned Member for Limerick (Mr. Butt).

Question put.

The House divided:—Ayes 156; Noes 83: Majority 73.

#### AYES.

Adderley, rt. hn. Sir C.	Bristowe, S. B.
Allsopp, H.	Bruce, hon. T.
Allsopp, S. C.	Buxton, Sir R. J.
Arkwright, A. P.	Callender, W. R.
Assheton, R.	Cameron, D.
Baggallay, Sir R.	Cave, rt. hon. S.
Ball, rt. hon. J. T.	Cecil, Lord E. H. E. G.
Barrington, Viscount	Chambers, Sir T.
Bass, M. T.	Clowes, S. W.
Bassett, F.	Cobbold, J. P.
Bates, E.	Corry, J. P.
Bateson, Sir T.	Cotton, Alderman
Beach, rt. hn. Sir M. H.	Cross, rt. hon. R. A.
Bentineck, G. C.	Cubitt, G.
Boord, T. W.	Dalkeith, Earl of
Bourke, hon. R.	Deakin, J. H.
Bousfield, Major	Dickson, T. A.

*Mr. J. Martin*

**DIsraeli**, rt. hon. B.  
**Douglas**, Sir G.  
**Dowdeswell**, W. E.  
**Edmonstone**, Admiral  
     Sir W.  
**Eslington**, hon. A. F.  
**Elliot**, Admiral  
     G.  
**Elphinstone**, Sir J. D. H.  
**Eslington**, Lord  
**Ewing**, A. O.  
**Fellowes**, E.  
**Folkestone**, Viscount  
**Forsyth**, W.  
**Freshfield**, C. K.  
**Gardner**, J. T. Agg-  
**Gardner**, R. Richard-  
     son-  
**Garnier**, J. C.  
**Gordon**, rt. hon. E. S.  
**Gordon**, W.  
**Gore**, J. R. O.  
**Gore**, W. R. O.  
**Grantham**, W.  
**Greenall**, G.  
**Greene**, E.  
**Gregory**, G. B.  
**Guinness**, Sir A.  
**Gurney**, rt. hon. R.  
**Halsey**, T. F.  
**Hamilton**, Lord G.  
**Hamilton**, hon. R. B.  
**Hamond**, C. F.  
**Hanbury**, R. W.  
**Hardy**, rt. hon. G.  
**Harvey**, Sir R. B.  
**Harley**, rt. hon. J. W.  
**Harmon**, E.  
**Hildyard**, T. B. T.  
**Hill**, T. R.  
**Hogg**, Sir J. M.  
**Holker**, J.  
**Holt**, J. M.  
**Home**, Captain  
**Hood**, Capt. hn. A. W.  
     A. N.  
**Hunt**, rt. hon. G. W.  
**Jackson**, H. M.  
**Johnson**, J. G.  
**Johnstone**, H.  
**Karslake**, Sir J.  
**Kennaway**, Sir J. H.  
**Knight**, F. W.  
**Knowles**, T.  
**Learmonth**, A.  
**Leith**, J. F.  
**Lennox**, Lord H. G.  
**Lewis**, C. E.  
**Lindsay**, Col. R. L.  
**Lloyd**, S.  
**Lloyd**, T. E.  
**Lopes**, Sir M.  
**Lowther**, J.  
**Macartney**, J. W. E.  
**Mackintosh**, C. F.

## NOES.

**Anderson**, G.  
**Balfour**, Sir G.  
**Beaumont**, W. B.  
**Biggar**, J. G.  
**Blennerhassett**, R. P.

**Bowyer**, Sir G.  
**Brady**, J.  
**Briggs**, W. E.  
**Brogden**, A.  
**Browne**, G. E.

**Bryan**, G. L.  
**Burt**, T.  
**Butt**, I.  
**Callan**, P.  
**Chadwick**, D.  
**Collins**, E.  
**Colman**, J. J.  
**Cowan**, J.  
**Cowen**, J.  
**Crossley**, J.  
**Davies**, R.  
**Dilke**, Sir C. W.  
**Downing**, M'C.  
**Dunbar**, J.  
**Earp**, T.  
**Ennis**, N.  
**Errington**, G.  
**Fay**, C. J.  
**Ferguson**, R.  
**Goldsmid**, J.  
**Gourley**, E. T.  
**Gray**, Sir J.  
**Harrison**, J. F.  
**Havelock**, Sir H.  
**Henry**, M.  
**James**, W. H.  
**Jenkins**, E.  
**Kirk**, G. H.  
**Laverton**, A.  
**Lawson**, Sir W.  
**Macdonald**, A.  
**Macgregor**, D.  
**M'Kenna**, Sir J. N.  
**M'Laren**, D.  
**Martin**, J.  
**Martin**, P.  
**Meldon**, C. H.  
**Monck**, Sir A. E.

**Monk**, C. J.  
**Moore**, A.  
**Morgan**, G. O.  
**Morley**, S.  
**Mundella**, A. J.  
**Nevill**, C. W.  
**Nolan**, Captain  
**O'Brien**, Sir P.  
**O'Byrne**, W. R.  
**O'Callaghan**, hon. W.  
**O'Clery**, K.  
**O'Gorman**, P.  
**O'Keefe**, J.  
**O'Leary**, W.  
**Power**, R.  
**Ramsay**, J.  
**Redmond**, W. A.  
**Reed**, E. J.  
**Ronayne**, J. P.  
**Shaw**, R.  
**Shoil**, E.  
**Sherlock**, Mr. Serjeant  
**Simon**, Mr. Serjeant  
**Smith**, E.  
**Stacpoole**, W.  
**Stanton**, A. J.  
**Stevenson**, J. C.  
**Sullivan**, A. M.  
**Swanston**, A.  
**Synan**, E. J.  
**Ward**, M. F.  
**Watkin**, Sir E. W.  
**Whitwell**, J.  
**Williams**, W.  
**Yeaman**, J.

## TELLERS.

**Conyngham**, Lord F.  
**O'Shaughnessy**, R.

Main Question, "That Mr. Speaker do now leave the Chair," put, and agreed to.

Bill considered in Committee.

(In the Committee.)

On Question, "That the Preamble be postponed,"

**MR. M'CARTHY DOWNING** said, he had an Amendment on the Paper to omit from Schedule 14 "19 and 20 *Vict.* c. 36, Preservation of the Peace, Ireland," and he wished to know whether his Amendment for omitting this whole Bill would not take precedence of Amendments for omitting particular clauses.

**THE CHAIRMAN** said, that the ordinary course was to take the clauses before the Schedule.

**MR. SULLIVAN** moved that the Chairman do report Progress for the purpose of enabling the right hon. Gentleman at the head of the Government to express an opinion upon the important suggestion made by the hon. and learned Baronet (Sir Eardley Wilmot.) He also conceived it extremely desirable that Progress should be reported in order

that they might return to the discussion of the Bill in a spirit which would prevent the repetition of language which he had heard with pain and mortification.

Mr. DISRAELI: The Chancellor of the Exchequer has expressed the views of the Government upon this subject. He has an Amendment on the Paper in accordance with the opinion he has expressed, and I am perfectly ready to support him in that proposition.

Mr. BUTT asked whether they could not postpone Clause 2, and also the new clauses, until after the Schedules had been disposed of? If this were not done they might waste time in discussing clauses referring to Acts which it might be decided afterwards should not be continued.

Mr. MITCHELL HENRY said, that the Chancellor of the Exchequer had placed no Notice of Amendment upon the Paper, and unless he made some statement he (Mr. Mitchell Henry) should support the Motion for reporting Progress.

THE CHANCELLOR OF THE EXCHEQUER said, although he had no Amendment on the Paper, it was his intention, when they came to Clause 2, to propose, in line 4, to leave out the times respectively specified, and to say, "shall be continued until the 31st of December, 1875." That was the proposal which he made early in the evening, and to it he adhered.

THE CHAIRMAN said, in answer to the hon. and learned Member for Limerick (Mr. Butt), he believed it would be possible on a Motion to that effect to postpone the new clauses until after the Schedule, but there was no precedent to postpone the clauses in the Bill until after the Schedule. Of course, it was customary to postpone some clauses of a Bill until other clauses had been disposed of.

Mr. CALLAN said, the Committee, under the peculiar circumstances of the case, would be quite justified in making a new precedent.

Mr. BUTT said, his object would be perfectly attained by postponing the new clauses. He had no wish to protract the discussion unreasonably. Perhaps, when they came to the Amendment of the Chancellor of the Exchequer something might occur which would prevent the new clauses from being proceeded with.

Motion, by leave, *withdrawn*.

*Mr. Sullivan*

Preamble postponed.

Clause 1 (Short title) *agreed to*.

Clause 2 (Continuance of Acts in Schedule.)

THE CHANCELLOR OF THE EXCHEQUER said, I believe my Amendment will come first. I propose in line 17 to leave out all the words after the word "until" down to the word "Schedule" in the next line, for the purpose of inserting "the 31st day of December, 1875." That is in accordance with the statement I made early in the evening that the Government do not desire to carry this practice of continuing important laws by a mere Continuance Bill further than it has hitherto been carried, but rather to restrict it, and on proper occasions at a future time to bring laws which are of importance more directly and conveniently under the notice of the House. But, on the present occasion, what the Government hold to be the most convenient course is not to distinguish between one of those Acts and another, whether they may be Coercion Acts, as they are called, or Election Petition Acts, to which my hon. and learned Friend the Member for Londonderry (Mr. C. E. Lewis) referred, or the various other Acts of the Schedule, as that might lead to discussion; but we propose that the various Acts should be continued for what appears to be a convenient time. The hon. and learned Member will see that in the course of next Session it will be necessary for the Government to bring in a Bill to continue such laws as are necessary to be continued, because otherwise they will cease absolutely with the end of next year. If the House fixes the 31st of December next year as the date on which the operation of the Acts shall cease, it will give a fair breathing space in case of any unforeseen events occurring; and it must be obvious that if my Amendment is passed the question of continuing the Acts will have to be considered next Session, and then the date can be discussed and determined in a full and temperate manner. There is no wish on the part of the Government to deal unfairly in reference to this matter. We feel the inconvenience of the system of continuing laws in what is called an omnibus Bill, and I have drawn my proposal deliberately, believing that it will deal fairly with the question.

Amendment proposed, in page 1, line 17, to leave out from the word "the," to the word "Schedule," in line 18, in order to insert the words "thirty-first day of December, one thousand eight hundred and seventy-five,"—(*Mr. Chancellor of the Exchequer*.)—instead thereof.

Mr. BUTT said, the principle for which he and those who thought with him had been contending was conceded by the proposal of the right hon. Gentleman, and he hoped the House had seen the last attempt to deal with questions of the gravest importance in a mere Continuance Bill. The difference between them and the Government was now reduced to a very narrow one, and he hoped that Government would see their way to fixing a date earlier than the 31st of December, 1875, for the expiry of the Bill, so as not to mar the grace of their concession by throwing into it a little bitterness and causing the people of Ireland to feel that in parting with these Acts the Government was hugging and desiring to retain them to the very last moment. If the suggestion of the hon. Member for Warwickshire (Sir Eardley Wilmot) were adopted, there would be no further occasion for opposition on the part of the Irish Members.

Question, "That the words proposed to be left out stand part of the Clause," put, and *negatived*.

SIR EARDLEY WILMOT said, he hoped the Government would accept the 31st of October as the date of the expiry of the Coercion Acts. Earlier in the debate, he had suggested the 1st of the month; but owing to the date at which some other of the Acts included in the Bill would expire, he thought the 31st would be the more convenient date to fix.

Question proposed, "That the words 'thirty-first day of December, one thousand eight hundred and seventy-five,' be there inserted."

Mr. RONAYNE wished to move, as an Amendment, that the clause be struck out of the Bill.

THE CHAIRMAN informed the hon. Member that the Amendment could not be moved until the Question was put, that the clause be added to the Bill.

Mr. J. MARTIN said, he was obliged to the hon. Baronet opposite (Sir Eardley Wilmot) for condescending to patronize Irish Members, by urging on the Government to accept the term 31st of October, 1875, instead of the 31st of December. They would gladly accept the proposition of the hon. Member if they could do so honourably—if they could do so on principle; but they could not. To prove that they desired not to obstruct Public Business, but that it was the Government that were doing so, he would consent to the 1st of September, but not one day longer. The English faction in Ireland, supported by their large majorities, might ridicule them for that determination, but they had arrived at it deliberately, and meant to adhere to it.

Mr. MACARTNEY protested against the language and tone adopted by the last speaker.

Mr. RONAYNE observed, that it ill became the hon. Member for the more criminal county of Tyrone (Mr. Macartney), which enjoyed immunity from the restraints to which his own county was subject, to call out for prison and handcuffs for its population. The Government was a miserable one that could retain the Irish people in allegiance without such expedients.

Mr. M'CARTHY DOWNING then proposed that the words "first of October, 1875," instead of the words "thirty-first of December, 1875," proposed by the right hon. Gentleman, should be inserted. He hoped the Government would not divide the Committee on his Amendment.

Amendment proposed to the said proposed Amendment, to leave out the words "thirty-first day of December," in order to insert the words "first day of October,"—(*Mr. Downing*.)—instead thereof.

Mr. DODSON asked whether it was worth while for the Government to have a discussion on so small a difference as that between the proposition of the Chancellor of the Exchequer and the Amendment proposed by the hon. Member for Cork (Mr. Downing). The change which the Government proposed should be made in this Bill was satisfactory as far as it went, because in a Constitutional point of view it was not desirable that Acts should, in a lump, be kept alive by

a Continuance Bill. Was it worth while to mar the grace of the concession which the Government had made to the Irish Members by inserting the words "thirty-first day of December," instead of the words "first day of October?" He had no hesitation in saying that he preferred the words "first day of October" to the words "thirty-first day of December" with reference to the continuance of these Coercion Acts. What would happen if the words "first day of October" were inserted? The House would then know that no period of grace would be allowed, and that the subject must be dealt with in time. No means of escape would be allowed if those words were inserted. But if the words "thirty-first day of December" were inserted, the House would defer the consideration of these Acts to the last hours of next Session, relying on the fact that they were continued till the thirty-first day of December. Suppose a catastrophe occurred at the end of that Session, would there be any opportunity at all of discussing these Acts? Or supposing a political catastrophe occurred next Summer, and if it were followed by an Autumn Session, the House in such a Session had no leisure to proceed with other than those matters of immediate interest for which it was summoned. He hoped the Government would not be deterred by any feeling of false pride from making this further concession, which he might assure them would not be regarded on his side of the House as a triumph.

MR. SULLIVAN said, that when the principle contended for had been conceded, it was almost childish for the Government to haggle about the little difference of time involved in the question now under consideration. If they would not yield on so trifling a point, upon their own heads would rest the blame of discussions which Irish Members were anxious to avoid.

THE CHANCELLOR OF THE EXCHEQUER reminded the Committee that, besides these Irish measures, there were no less than 34 Acts involved, a considerable number of which were important, and that if the proposal of the hon. Member for Cork were accepted the House might find itself next Session with a large amount of Autumn business on hand, which a Dissolution or various other contingencies might render it im-

possible to get through. They might find themselves towards the close of the Session in a position similar to that in which they sometimes found themselves about 4 or 5 o'clock on Wednesday afternoons, when important measures were talked out. The fact that the hon. Member for Cork and his Friends had consented to extend the time from August to October was in itself an admission that it might be expedient to give the House some breathing-time in order to meet exigencies which might arise. As these Irish Acts expired in June, it was a matter of certainty that they must be dealt with early in the Session, whether they were to be continued to October or to December. It was not the intention of the Government to propose a continuance of these Acts again, and therefore hon. Members, if they would only believe the Government were speaking in good faith, would see that there was every intention to meet them fairly. To accept the Government proposal would in no way compromise the position they had taken up. They had fought a good battle, and everyone knew that their object was to protest against particular measures.

MR. DODSON would suggest to the Government that, as regarded the two Irish Acts, they should be contented with the insertion of the words, "the 1st of October"—["No, no," from the Ministerial side]—leaving the other Acts to be extended, as they proposed, till the end of the year.

MR. BUTT remarked that the Government treated the extension of time from the 1st of October to the 31st of December as a small matter, but it was not a small matter from the point of view of the opponents of the Bill. He confessed it was with great reluctance that he acceded even to October.

MR. DISRAELI wished to make one practical remark to the hon. and learned Gentleman. He seemed to think there was but an infinitesimal necessity for the Government to have the time on the importance of which they were now insisting. He believed that since he had sat in Parliament there had been no fewer than 10 November Sessions, and the hon. and learned Gentleman would, therefore, see there was great importance in having the additional time.

MAJOR O'GORMAN said, he was dreadfully shocked to find that the front Op-



position bench was occupied by Home Rulers. What had become of the right hon. and hon. Gentlemen who usually occupied that bench? With respect to the time of fixing the duration of those obnoxious Bills, all the Government had to do was to employ a Whig officer to get up "a row" in Ireland on the 1st of January, and then call Parliament together to pass a Coercion Act. Hon. Members would then be confined to Parliament from the 1st of January to the 1st of August; for if they met in January, it would be useless to return to Ireland if the sitting of Parliament should be adjourned to February. If there was "a row" in Ireland on the 1st of October, the Parliament might be called together in four or five days. The Government had put the "whip" in motion on this occasion; and they would have nothing to do in January but to get "a Whig" to stir up a row in Ireland.

Question put, "That the words 'thirty-first day of December' stand part of the said proposed Amendment."

The Committee *divided*:—Ayes 165; Noes 104: Majority 61.

MR. BUTT moved, at end of second section, to add the following Proviso:—

"Provided always, and be it enacted, That from and after the passing of this Act section two of the Act mentioned in the second column of the Schedule to this Act as eleventh and twelfth Victoria, chapter eighty-nine, shall be and the same is hereby repealed: and nothing contained in the said Act, or any Act continuing or amending the same, shall authorise or empower any constable or other person to enter or remain in any dwelling house, house or place otherwise than he might have done if said Act had not been passed."

MR. RUSSELL GURNEY remarked that that was a Motion which could not be made in a Continuance Act. No doubt the hon. and learned Member had power to move that certain parts of any Act should not be continued, but he could not introduce Amendments into the original Act.

MR. BUTT said, he thought Continuance Acts were bad enough, but it would be monstrous if the right hon. and learned Gentleman's assertion was correct. In the Peace Preservation Act Continuance Bill of last year, he moved several Amendments.

MR. M'CARTHY DOWNING said, the Chancellor of the Exchequer, on

Saturday, said it would be in the power of any Member to move the omission of any clause, and he presumed, therefore, that the addition of a Proviso to modify a clause would be equally in Order.

THE CHANCELLOR OF THE EXCHEQUER said, the proposed addition was in effect a new clause, and that was not what he contemplated when he made the statement referred to.

THE ATTORNEY GENERAL FOR IRELAND (DR. BALL) contended that no change could be made in a Continuance Act which would alter the status of any Act so continued.

CAPTAIN NOLAN maintained that after the statement made the other day by the Chancellor of the Exchequer, that they would be at liberty to discuss Amendments in Committee, the Government ought to re-commit the Bill.

THE CHAIRMAN said, he must remind the Committee that it would be necessary to obtain an Instruction from the House before going into Committee, in order to make changes in a Bill outside its general scope and character. He was, therefore, of opinion—and he had taken occasion to fortify himself by the highest authority he could obtain on the matter—that it would be outside the purview of the Bill now before the Committee to propose to make it, under the semblance of a continuing Bill, a Bill for abridging or amending the provisions of the Acts it professed to continue. The effect of the Amendment of the hon. and learned Member for Limerick would be to bring to a summary and immediate conclusion provisions which, if this Bill did not pass, would continue to exist some time longer. It was quite open to the Committee to say whether they intended to continue any Act, and how much of it; but he was of opinion that it was beyond the province of the Committee on this Bill to introduce into it any such Amendment as the hon. and learned Member for Limerick proposed to make. As to amending the Acts contained in the Schedule, he should have thought there was no doubt, for this Bill was not to amend, but to continue the Acts. He was of opinion that none of the Amendments of the hon. and learned Member were in Order, and therefore they could not be put.

MR. FORSYTH said, he thought the hon. and learned Member might attain

his object by simply moving the omission of Section 2 of the Act.

Clause, as amended, *ordered to stand part of the Bill.*

MR. BUTT proposed to move an Amendment in the shape of a new clause.

THE CHAIRMAN said, it would be open to the hon. and learned Member to move a new clause on the Report.

Schedule.

THE CHAIRMAN said, there would be a practical difficulty in dealing in strict form with the Schedule if the Acts were taken singly. It would be more convenient if the Chancellor of the Exchequer would strike out the 5th column.

THE CHANCELLOR OF THE EXCHEQUER said, he had been about to rise for that purpose. He had never pledged the Government to give any particular facilities to hon. Members for moving Amendments; but he had pointed out that if they moved that it be an Instruction to the Committee that certain Amendments be made in the Bill those Amendments could now be moved. He entertained no doubt that hon. Members would move Amendments in Committee. He moved to leave out Column 5 in the Schedule.

Amendment proposed, to leave out Column 5.—(*Mr. Chancellor of the Exchequer.*)

Question proposed, "That Column 5 stand part of the Schedule."

CAPTAIN NOLAN moved that Progress be reported, seeing that the Government would not afford facilities for the discussion of the Amendments as had been promised by the Chancellor of the Exchequer, and as he was reported as having said by the reporter of *The Times*.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Captain Nolan.*)

THE CHANCELLOR OF THE EXCHEQUER said, he would not say whether the report in question was or was not accurate; but he certainly had not intended to convey the impression imputed to him.

MR. SULLIVAN said, that he and those who sat around him had certainly understood the Chancellor of the Ex-

chequer to say what the gentlemen in the Gallery reported he had said. There had evidently been a misunderstanding. But as the Amendments had been tabled under the impression that the Chancellor of the Exchequer had said what he was reported as having said, an unfair advantage ought not to be taken of the Irish Members. The Bill ought to be recommitted, so that they might have the opportunity of doing what they might have done but for the mistake into which they had fallen.

SIR HENRY JAMES said, the Chancellor of the Exchequer had correctly represented the purport of what he said on Saturday. He did not see the use of reporting Progress, and hon. Members could do all they desired to do when the Report was brought up.

MR. SULLIVAN observed that the views now held by the hon. and learned Gentleman the Member for Taunton, were the opposite of those he expressed on the Endowed Schools Bill.

MR. BRYAN said, he hoped that the Motion to report Progress would not be pressed. What the Chancellor of the Exchequer meant was precisely what he had just said. The Irish Members had a perfect remedy on the Report, and he hoped they would not descend to any seeming factiousness.

MR. BUTT said, that as he understood the decision of the Chairman, they could not move any Amendment of the Act so far as it was the law to the end of the next Session, but that they might move Amendments to affect its action subsequent to that date.

MR. J. MARTIN said, he thought the Irish Members should be placed in the position they would have occupied had they not misunderstood what had fallen from the Chancellor of the Exchequer. He thought they had better report Progress.

MR. DODSON said, that any statement made or supposed to be made by the Chancellor of the Exchequer could not affect the Rules of the House, which had been properly laid down by the Chairman. If Progress were now reported the opponents of this Bill would be in no better position. Two courses might be taken—either to have the Bill recommitted with specific instructions from the House for its Amendment, or hon. Members might move their Amendments on the Report, because there was

no limit to the discretion of the full House.

MR. SYNAN agreed with the right hon. Gentleman that they would not gain anything by reporting Progress. The proper course would be to recommit the Bill.

MR. MITCHELL HENRY said, it would facilitate matters if the Report was taken at an hour when the Amendments could be discussed.

SIR PATRICK O'BRIEN asked the Government if they would permit the Bill to be recommitted.

Question put.

The Committee divided:—Ayes 50; Noes 204: Majority 154.

Question again proposed.

MR. O'CLERY, as the Irish Members had been misled by the treaty or understanding come to on Saturday, begged to move that the Chairman now leave the Chair.

Motion made, and Question proposed, "That the Chairman do now leave the Chair."—(*Mr. O'Clery.*)

SIR JOHN LUBBOCK said, he had voted with the minority in the last division, but appealed to hon. Members not to divide the Committee again, but rather to move afterwards the re-committal of the Bill.

MR. SYNAN said, their object was to secure the recommitment of the Bill, for they had been disarmed by the statement of the Chancellor of the Exchequer that they could make Amendments in Committee. They were not offering factious opposition.

THE CHANCELLOR OF THE EXCHEQUER must say that was the oddest kind of disarming he had ever heard of. Whatever he had said on Saturday was entirely harmless in its effect on hon. Gentlemen opposite, because they treated it at the time in the most contemptuous way; and, so far from entering into a treaty or disarming, they went on fighting the whole day.

MR. M'CARTHY DOWNING disclaimed on the part of Irish Members any intention to treat contemptuously anything that proceeded from the Chancellor of the Exchequer. He had been under the impression that Irish Members would be able to move Amendments. He wished to know whether, when they came to the 14th Schedule, it would be

competent for him to move the omission of the whole Act therein named?

THE CHAIRMAN said, that it would.

MR. SULLIVAN remarked, that whenever a minority availed themselves of the Forms of the House they were accused of factiousness. He did not know what the correspondence of the present Premier would reveal about these measures, but he found that Lord Palmerston wrote on one occasion—

"You see by what spanking majorities this Reformed House of Commons is passing the most violent Bill ever carried into law. Few Governments could establish such a system of coercion as that which the free chosen Representatives of the people are placing in the hands of the Government of this country."

He hoped the Committee would, by reporting Progress give them a chance of preparing Amendments to Acts which answered to this description, and so remove much of the angry feeling which prevailed amongst his friends.

MR. DISRAELI: I am always in favour of fair and honest discussion, and much opposed to the idea which might prevail from these debates that the Irish Members are a very ill-used body of men. I know they insist upon it that they are so. As I understand the complaint of the hon. Member, it is that in consequence of the statement of the Chancellor of the Exchequer, they have been prevented from moving the Amendments which it was their intention to propose. I am quite certain that whatever may be its effect, the statement of my right hon. Friend was a sincere one, and if it was misunderstood it is very much to be regretted, because it has led to a very violent feeling. The hon. and gallant Member for Galway (Captain Nolan) stated that he was prepared to enter, and was entering, into a vexatious opposition, and therefore the hon. Member who has just addressed us is scarcely justified in saying that we are improperly imputing faction to Irish Members. But what is the grievance of the hon. and gallant Member with regard to that phrase of my right hon. Friend? Upon referring to the Paper, I find that the Amendment of which the hon. and gallant Member gave Notice was placed upon it a week before the Chancellor of the Exchequer made any of those observations to which he has referred. So much for

the hon. and gallant Member for Galway, who in consequence of having been so misled by the statement of my right hon. Friend, is now entering upon factious opposition. Nor is the position of the hon. and gallant Member for Galway isolated or peculiar. I find that there were Amendments put upon the Paper more than a week ago by two hon. Members who are taking a very distinguished part in this Parliamentary manœuvre. There is the hon. Member for Cavan (Mr. Biggar), who has introduced a new style into Parliamentary proceedings, who has given Notice of Amendments quite irrespective of the statement of the Chancellor of the Exchequer. Whatever advice or suggestions my right hon. Friend may have made must be taken with the implied condition of which all hon. Members who are accustomed to Parliamentary life must be aware—that every Amendment they move must be consistent with the Forms of the House. I think, therefore, that the conduct of the hon. and gallant Member for Galway and his Friends shows that the Irish Members in this case are by no means so ill-used as they are so anxious to persuade their compatriots and the people of England that they are. I might regret, under these circumstances, that they have met with this kind and courteous conduct on our part. I know that they are disappointed—I know that they were prepared to be persecuted and popular. Notwithstanding our “spanking” majority, I would rather terminate the Session with good humour, and I hope that upon reflection they will feel that they have carried this style of Parliamentary manœuvre quite far enough.

CAPTAIN NOLAN explained that although he had put his Amendment upon the Paper a week ago, he had been given to understand that he could not move it, and all he asked was that the Government would not permit the Forms of the House to stand in the way of his moving it.

MR. NEWDEGATE said, that what was asked was that the Government should supersede the Forms of the House. Hon. Members ought to have applied to the Speaker, who would have informed them whether their Amendments were in Order; and they could gain nothing by bringing themselves into collision with the Forms of the House.

*Mr. Disraeli*

MR. MITCHELL HENRY observed that the Irish Members could listen with pleasure to a good-humoured and witty lecture from the Prime Minister, but they would not tamely submit to be lectured by the hon. Member for North Warwickshire. They did not seek to supersede the Forms of the House, but only that the Bill should be re-committed, to enable them to discuss their Amendments.

SIR JOHN LUBBOCK thought the re-committal of the Bill would not give the Irish Members an opportunity of discussing the new clauses. What was required was that there should be an Instruction to the Committee which they would have an opportunity of moving at a future stage.

MR. BUTT said, the Irish Members would give up the opportunity which they had of discussing the various Acts in question if an assurance were given that they should not be opposed in re-committing the Bill and moving an Instruction to the Committee. He was not afraid of the word “factious,” and was prepared to be factious, if to be so were to protect the rights of a minority against the proceedings of a tyrant majority. One thing he altogether denied—namely, that the Chairman of Committees or the Speaker was the judge of a point of Order. The House, and not its President, was the ultimate judge of Order.

MR. DODSON said, it occurred to him that by this discussion the Committee was wasting time. The Amendments in question could not be moved at the present stage, and the proper occasion for bringing them forward was on the Report.

MR. NEWDEGATE said, he hoped that on a point of Order a proposition which had been ruled to be, and was manifestly, out of Order, would not be further discussed.

Question put.

The Committee divided:—Ayes 31: Noes 199: Majority 168.

Question again proposed.

MR. BIGGAR moved that the Chairman report Progress.

Motion made, and Question proposed. “That the Chairman do report Progress, and ask leave to sit again.”—(*Mr. Biggar.*)

**MR. BUTT** said, he hoped the hon. Member for Cavan would not persevere with his Motion. It would not only impede the Business of the House, but would bring discredit and disgrace on the proceedings which some Irish Members thought it their duty to take. He was always prepared to resist any attempt on the part of the majority to overbear the rights of the minority, and to use the Privileges of the House for that purpose; but he thought that was the only case in which a minority was justified in resisting the majority of the House. He believed that the Irish people would endorse what he said. [**Major O'GORMAN**: No, no!] They would, he believed, better consult the dignity of the House and the interests of Ireland by proceeding with the Bill—a course which would give him an opportunity of moving his Amendments—than by further seeking to impede the progress of the Bill.

**MR. DISRAELI**: The hon. and learned Member has spoken like one who is proud, and justly proud, of being a Member of this House. There has been some complaint made that Irish Members, when Irish measures are brought forward, are not afforded an opportunity for full and free debate. Hon. Gentlemen opposite have chosen to consider the present a measure of that kind, and certainly they cannot complain of the conduct of the Government in this instance. We have given them the whole day from the commencement of Public Business, and have not in any way interfered with the exercise of their Parliamentary privileges. If the Committee should conclude its labours to-night, I will take care that to-morrow evening at 9 o'clock, we shall commence the Report, and that will give hon. Members an ample opportunity of bringing Amendments forward.

Question put.

The Committee *divided*:—Ayes 13; Noes 206: Majority 193.

Column 5 omitted from the Schedule. Schedule 2.

**MR. BUTT** moved in page 2, line 15, to leave out in column one, "2 and 3 Victoria, c. 74, Societies Unlawful, Ireland," and all the corresponding entries in the other columns. The hon. and learned Gentleman said, this Bill was

passed in 1839, and was directed exclusively against Orange Societies in Ulster; but it had been used for a very different purpose since. It had been directed against any society which had secret signs and passwords except the Freemasons and Friendly Brothers.

Amendment proposed, in page 2, column 1, line 15, to leave out the words "2 and 3 Vic. c. 74, Societies Unlawful, Ireland."—(*Mr. Butt.*)

Question proposed, "That the words proposed to be left out stand part of the Schedule."

**THE ATTORNEY GENERAL FOR IRELAND** (**DR. BALL**) pointed out that the Act in question was framed against secret societies formed for unlawful purposes, such as the purchase and distribution of arms, and the assembling for treasonable and seditious objects. He therefore trusted that the hon. and learned Member would withdraw his Amendment.

**MR. BUTT** said, he would withdraw his Motion.

**CAPTAIN NOLAN** urged that the sense of the Committee ought to be taken upon the question.

Question put.

The Committee *divided*:—Ayes 169; Noes 40: Majority 129.

**MAJOR O'GORMAN** moved to report Progress.

Motion made, and Question put, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. O'Gorman.*)

The Committee *divided*:—Ayes 34; Noes 167: Majority 133.

**MR. BUTT** moved the omission from the Schedule of "11 and 12 Vict. cap. 89."

Amendment proposed, in page 2, column 3, line 15, to leave out the words "11 and 12 Vic. c. 89."—(*Mr. Butt.*)

Question proposed, "That the words proposed to be left out stand part of the Schedule."

**MR. NEWDEGATE** opposed the Motion.

**MR. SULLIVAN** maintained that the Act in question was vexatious and unnecessary.

MR. CALLAN moved that the Chairman do now leave the Chair, and remarked that the Prime Minister, who appeared to be in a state of somnolence, [Mr. DISRAELI dissented] appeared to be unable to keep his back benches in order.

Motion made, and Question proposed, "That the Chairman do now leave the Chair."—(*Mr. Callan.*)

MR. SULLIVAN remarked that it was difficult to keep the back benches on the Opposition side of the House in order; and, for his own part, he wished to be completely disassociated from any reflections which had been cast upon the Prime Minister, whose conduct not only throughout that debate, but throughout the Session, had entitled him to the kindest regard and respect from all parts of the House.

Question put.

The Committee *divided*:—Ayes 16; Noes 157: Majority 141.

MR. BIGGAR moved that the Chairman do report Progress.

Motion made, and Question put, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. Biggar.*)

The Committee *divided*:—Ayes 15; Noes 160: Majority 145.

Bill *reported*; as amended, to be considered *To-morrow*.

#### INDIA COUNCILS [SALARY].

*Considered in Committee.*

(In the Committee.)

*Resolved*, That it is expedient to authorise the payment, out of the Revenues of India, of the Salary of any additional Member of the Council of the Governor General of India, that may be appointed in pursuance of any Act of the present Session for amending the Law relating to the Council of the Governor General of India.

Resolution to be reported *To-morrow*, at Two of the clock.

#### MEDICAL ACT (1858) AMENDMENT BILL.

On Motion of Dr. BRADY, Bill to amend the Medical Act of 1858, and to provide for the Examination of Candidates for certain Medical Appointments, *ordered* to be brought in by Dr. BRADY, Mr. ERRINGTON, and Dr. LUSH.

Bill *presented*, and read the first time. [Bill 238.]

House adjourned at a quarter before Four o'clock.

## HOUSE OF LORDS,

Friday, 31st July, 1874.

MINUTES.]—PUBLIC BILLS—*First Reading* Consolidated Fund (Appropriation)\*.

*Second Reading*—Prince Leopold's Annulment (213).

*Committee—Report*—Shannon Navigation (Royal (late Indian) Ordnance Corps Compensation\* (203); Evidence Law Amendment (Scotland)\* (198).

*Report*—Public Health (Ireland)\* (195).

*Third Reading*—Police Force Expenses\* (Education Department Orders\* (197); Vagrancy and Land Transfer (Scotland), and *passed*.

#### SHANNON NAVIGATION BILL.

(*The Lord President*)

(NO. 189.) COMMITTEE.

House in Committee (according to Order.)

THE EARL OF LIMERICK said, some of the proprietors on the Shannon apprehended that in consequence of certain works executed on the upper river their lands might be flooded. He wished to ask the noble Duke President of the Council whether there was any ground for this apprehension. If so, some provision for measures to prevent the flooding might be one of the clauses of the Bill.

THE DUKE OF RICHMOND said, he was glad to be able to state, on the high authority of Mr. Bateman, Engineer, that there was no ground for the apprehension referred to by the noble Friend.

Bill *reported*, without Amendment to be read 3<sup>d</sup> on *Monday* next.

House adjourned at Six o'clock to *Monday* next, at a quarter before Five o'clock.

## HOUSE OF COMMONS

Friday, 31st July, 1874.

MINUTES.]—PUBLIC BILLS—*Second Reading* Supreme Court of Judicature Act (Suspension [179]; Irish Reproductive Fund\* [183]; Statute Law Revision (New)\* [237].

*Committee—Report*—Private Lunatic Asylum (Ireland)\* [215].

**Considered as amended**—Public Worship Regulation \* [236]; Local Government Board (Ireland) Provisional Order Confirmation \* [207]; Expiring Laws Continuance \* [201]; Church Patronage (Scotland) \* [234].  
**Third Reading**—Consolidated Fund (Appropriation) \*; Great Seal Offices \* [223]; Post Office Savings Bank \* [227]; Royal Irish Constabulary and Dublin Metropolitan Police \* [196]; Fines Act (Ireland) Amendment \* [222], and passed.

The House met at Two of the clock.

#### STANDING ORDERS.

Order read, for resuming Adjourned Debate on Amendment proposed [30th July] to be made to Standing Order 175; and which Amendment was, in line 18, to leave out the words "parish to which the Bill relates," in order to insert the words "area to be enclosed under the Bill,"—(*Mr. Raikes*),—instead thereof.

Question again proposed, "That the words 'parish to which the Bill relates' stand part of the said Standing Order."

Debate resumed.

Amendment, by leave, *withdrawn*.

Standing Order 176, read, and amended, by leaving out, in line 30, the word "parish," and inserting the words "drainage district," instead thereof; in line 36, by leaving out the word "parish," and inserting the word "district," instead thereof; and in page 56, line 1, by inserting, after the word "therein," the words "or the extent in acres, roods, and perches."

#### IRELAND—DISCHARGED LUNATICS— CASES OF GEORGE AND OWEN DOHERTY.—QUESTION.

**MR. ERRINGTON** (for **Mr. MOORE**) asked the Chief Secretary for Ireland, Whether it is true that two dangerous lunatics named George and Owen Doherty are still at large in the neighbourhood of Carndonagh and county of Donegal, in spite of the earnest remonstrances of the inhabitants of the district; and, whether the Government intend to take any further notice of the Memorial addressed to them on the subject?

**SIR MICHAEL - HICKS-BEACH**: Sir, the names of the persons to whom the Question relates are John and George Doherty. Both have recently been inmates of Letterkenny Lunatic Asylum; one was discharged as of sound mind, the other escaped just before he was about

to be discharged for the same reason, and was permitted to remain at home at the request of his friends. Being again confined, the medical officer reported that he was suffering from over-indulgence in drink rather than from insanity, and he was accordingly discharged. If the inhabitants of the district consider that these persons should not be at large, the proper course would be for them to swear the necessary information before the magistrates, so that the men might be committed as dangerous lunatics; or if they do not answer that description, their families or friends might apply to the Governors of the asylum to admit them as ordinary patients. It does not seem to be within the power of the Government to interfere in the matter, nor do I think that it is their duty to do so.

#### THE GENERAL ELECTION RETURNS. QUESTION.

**MR. DODDS** asked the Secretary of State for the Home Department, When the Returns relative to the General Election ordered on the 20th March last will be presented; and, in case particulars have not yet been received from every county, division of county, and borough, to give the names of the counties, divisions of counties, and boroughs from which particulars have not been received, and to state what course he proposes to pursue with reference thereto?

**MR. ASSHETON CROSS**, in reply, said, that with the exception of three counties and eight boroughs, the Returns which had been ordered on this subject had been made. He believed that before the end of the Session the Returns for these three counties would be received, and he hoped to be able to answer the hon. Member's Question more fully if it were repeated about the middle of next week.

#### THE REVENUE RETURNS—POST OFFICE AND TELEGRAPHIC SERVICES. QUESTION.

**MR. M'LAREN** asked **Mr. Chancellor** of the Exchequer, with reference to the published Revenue Returns up to the 25th of July (which state that the gross revenue from the Post Office and Telegraph Service amounts to £2,250,000

for the current financial year, as against £1,280,000 for the corresponding period of last year), How much of this nominal increase of £970,000 is real, and how much is due to the mode of appropriation of those revenues during the last financial year?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, that any comparison between the Returns of Revenue from the Post Office and Telegraph Services up to the 26th of July this year as compared with the Returns up to the 26th of July last year would be very fallacious, because there were various circumstances which disturbed the comparison. In the first place, irregularities had occurred in the Post Office which were not adjusted last year, and, in the second place, a new system had been enforced by which repayments with regard to the expenses of collection were made monthly, instead of quarterly. He would prefer at present not to give any answer with regard to the precise statement of accounts. He was afraid that if he entered into any statement on the subject it might mislead, and he would wait until the end of the quarter, when a fair comparison could be made.

#### NAVY—H.M.S. "RALEIGH." QUESTION.

CAPTAIN BEDFORD PIM asked the First Lord of the Admiralty, Whether it is true that Her Majesty's ship "Raleigh" has now been commissioned nearly eight months without being employed on the service for which she was intended; that every available space has been filled with ballast to give her stability; that she is now two feet deeper in the water than she ought to be without attaining that stability; and, whether this ship was constructed from designs for which Mr. E. J. Reed, C.B., late Chief Constructor of the Navy, is responsible?

Mr. HUNT, in reply, said, that the *Raleigh* was commissioned for the period which the hon. and gallant Member had named, and she had a reduced complement of officers and men. As soon as she was completed, she was employed in the service as a cruising ship. A slight accident occurred to her screw, which rendered a new one necessary. It was not the fact that every available space had been filled with ballast. She

had received 180 tons of ballast, which was the amount her constructor wished her to have. No inconvenience was caused by the storing of that amount of ballast, and she had the required stability, although several changes had been made in her while building. Her armament had been very much increased in weight—namely, by one-half—and in consequence of that and other alterations which added to her weight, she drew 16 inches more water than was originally intended. The designs of the ship were incomplete when Mr. Reed resigned his appointment at the Admiralty, and he was not responsible for the changes made in those designs.

#### INDIA—METEOROLOGICAL OBSERVATIONS.—QUESTION.

MR. EGERTON HUBBARD asked the Under Secretary of State for India, Whether it is true that a series of Meteorological Observations taken at few stations in the Bombay Presidency were sent home periodically to the India Office since 1854, and that many of the Observations have been lost; and, whether the Meteorological Observations taken since 1867 at fourteen stations in the Madras Presidency have yet been published or utilised in any way?

LORD GEORGE HAMILTON: Sir, Registers of Meteorological Observations from the Bombay Presidency since the year 1853 have been sent to the India Office, and a few of these documents have been mislaid—at least, they cannot now be found. Since 1853 to 1863 Returns from Madras and Bombay have been sent to the Astronomer Royal at Greenwich. Since that time they have been sent to the Army Medical Department. Finding, however, that no use was made by that Department of these Returns, we have asked them to be sent back, and they are now in safe keeping at Greenwich. The Secretary of State has recently pointed out to the Indian Government that if these Returns are to be utilized, it will be necessary to adopt a system of general control and inspection, so as to insure uniformity of method.

#### JUDICATURE COMMISSION—THE REPORT.—QUESTION.

MR. WHITWELL asked the Secretary of State for the Home Department,

*Mr. M'Laren*



If the further and final Report of the Judicature Commission can be laid upon the Table of the House during the present Session?

Mr. ASSHETON CROSS, in reply, said, that the fifth and last Report of the Judicature Commission was finally agreed to on the 20th instant. The only delay that had occurred had been a delay with reference to the signatures. He hoped that the signatures would be obtained in time to lay the Report on the Table before the close of the Session?

#### IRELAND—NATIONAL SCHOOL TEACHERS.—QUESTION.

Mr. RONAYNE asked the Chief Secretary for Ireland, Is the Government prepared to give an assurance that the case of the Irish National School Teachers will be considered during the recess, with a view of introducing a measure early next Session for the improvement of their condition; and, is it proposed, in estimating the average salary of the teachers, to take into account money earned by them outside school hours in the Science and Art Department or otherwise?

SIR MICHAEL HICKS-BEACH, in reply, said, that he had already given an assurance in a debate on this subject, that the case of these teachers should be considered during the Recess with a view of improving their condition and to determine from what funds the means of that improvement should be derived. As to the second part of the hon. Member's Question, that matter would have to be considered.

#### NATAL—THE RECENT OUTBREAK OF NATIVE TRIBES.—QUESTION.

Mr. KNATCHBULL-HUGESSEN asked the Under Secretary of State for the Colonies, When further Papers relating to the recent disturbances in Natal will be laid on the Table; and whether, if they are not received before the end of the Session, they could be put into the hands of hon. Members during the Recess?

Mr. J. LOWTHER, in reply, said, that the more important Despatches, for the arrival of which the production of the Papers had been delayed, had not yet come to hand, and he was unable to say whether they would be laid on the

Table this Session. As to the second part of the Question, it would not be in his power to put Papers in the hands of hon. Members during the Recess.

#### BANK HOLIDAYS—HOLIDAYS IN THE LAW OFFICES.—QUESTION.

Mr. DILLWYN (for Sir JOHN LUBBOCK) asked Mr. Attorney General, Whether by the new rules under the Judicature Act the Bank Holidays will in future be observed in the Law Offices?

THE ATTORNEY GENERAL: Sir, the Bank Holidays, as fixed by the Act which bears the hon. Baronet's name, are four in number—Easter Monday, Whit Monday, the first Monday in August, and the first working day after Christmas Day. It is proposed by the Judicature Rules to adopt three of these Bank Holidays as holidays in the Law Offices—namely, Easter Monday, Whit Monday, and the day after Christmas Day—but it is not proposed to make the first Monday in August a holiday; and, having regard to the pressure of business in the Law Offices at that period of the year, I do not think that it would be conducive to the interests of the public to make an early day in August a holiday in the Law Offices. I may take this opportunity of stating that I have to-day laid on the Table of the House a Copy of the Judicature Rules as prepared by the Judges and submitted to the Lord Chancellor, and also a Copy of the recommendations of the Judges as regards a re-arrangement of the Circuits.

#### NAVY—PARLIAMENTARY ELECTIONS—HOLIDAYS ON POLLING DAYS—THE DOCKYARDS.—QUESTION.

Mr. BRAND asked the First Lord of the Admiralty, Whether his attention has been called to the remarks made by Baron Bramwell at Stroud upon the practice of giving the artisans employed in the mills a holiday on the day of polling at Parliamentary Elections without deduction of their wages; and, if so, whether it is his intention to rescind the order lately issued to the dockyards which authorised the practice condemned by Baron Bramwell; and, whether it is the intention of the Government to introduce a Bill for extending the hours of polling so that the artisans employed in dockyards, mills, &c. may have in-

creased facilities for recording their votes at Parliamentary Elections?

MR. HUNT, in reply, said, he doubted whether the Circular recently issued by the Admiralty fell within the principle referred to by Baron Bramwell in his judgment. The Circular provided that there should always be a half holiday for voters in Dockyards, and in his (Mr. Hunt's) view, that would not constitute an inducement to them to vote for any particular party. Not having had the advantage of legal advice, however, he was unable to state whether the Circular did infringe the principle in question; but the matter should be inquired into. At present he was not prepared to rescind the Order. As to the hours of voting, no such measure as that indicated by the hon. Member was at present under the consideration of the Government.

#### THE CHARITY COMMISSIONERS—ST. JOHN'S HOSPITAL, BATH.—QUESTION.

MR. HAYTER asked Mr. Attorney General, Whether it is true that he has proposed a scheme for the regulation of Saint John's Hospital, Bath, containing the following Clause:—The trustees of the charity shall consist of such of the trustees for the time being appointed by the Lord High Chancellor under the provisions of the fifth and sixth Victoria, chapter seventy six, to be trustees of the Municipal Charities vested in the Corporation of the city of Bath as shall be members of the Church of England, who shall be ex-officio members of the charity. No trustee shall act in the administration of the charity until he shall have signed a memorandum to the effect that he is a member of the Church of England and is willing to undertake the trust as regulated by the scheme; whether he is aware that Nonconformists have hitherto acted as trustees of the said charity; and, whether, in face of the opposition that has been expressed by the citizens of Bath in public meeting assembled, and also by the present trustees, to the proposed scheme, he purposes to ask for its approval by the Court of Chancery?

THE ATTORNEY GENERAL: Sir, under the certificate of the Charity Commissioners, proceedings have been taken and are now pending in the Court of Chancery for the purpose of having

a proper scheme prepared for the administration of the charity known as St. John's Hospital, Bath. I may mention that the charity is not educational but eleemosynary. In the ordinary course of proceedings, a scheme was prepared and brought in by one of my Predecessors, and until the last few days I had no personal cognizance of the matter. I have, however, ascertained from inquiries which I have made this morning that the scheme brought in contains a clause, in the terms mentioned in the Question of the hon. Member, namely—

“That no trustee shall act in the administration of the charity until he shall have signed a memorandum to the effect that he is a member of the Church of England, and is willing to undertake the trust as regulated by the scheme. Such clause has been the subject of discussion in the chambers of the Judges, whose branch of the Court the cause is attached, and the municipal trustees of Bath, who are parties to the suit, have raised several objections to the clause. I have just referred to, and among others they have objected to the provision requiring the trustees to be members of the Church of England. The parties are now before me in my official capacity to consider the objections so raised, and it will be my duty either to accede to the objections so made by the municipal trustees, or to adhere to the original proposal of my Predecessor. In my judgment I shall deem it proper, in so doing, it will be my duty to have regard to all the circumstances of the case, and to the authorities upon the subject. But, whatever view I may take, the whole question will have to be eventually determined by the Judge. As regards the Question of my hon. Friend, whether, in the face of the opposition of the citizens of Bath, I propose to refer the Court of Chancery to approve or disapprove the scheme, he must not consider me wanting in courtesy if I decline to do so by anticipation what course I may think it proper to pursue in the discharge of the duties of my official position.

#### SHREWSBURY SCHOOL.—EXCESSIVE PUNISHMENT.—QUESTION.

MR. BASS asked the Secretary of State for the Home Department, If attention has been drawn to a report of a punishment inflicted by the Headmaster of Shrewsbury School on a

of the name of Loxdale, whom (it is alleged) he flogged with eighty-eight stripes, whereupon the governors, after well considering the matter, did not regard the punishment excessive, but begged he would not do it again; whether the account is substantially accurate; and, if so, to ask further whether that punishment does not far exceed any which is inflicted on young criminals, whether felons or misdemeanants?

MR. ASSHETON CROSS, in reply, said, that he had no further information on the subject than had appeared in *The Times* of that morning, but his hon. and learned Friend the Member for Denbigh, who was one of the Governing Body of the school, would no doubt be able to state the facts. As to the second part of the Question, he thought his best course would be to refer the hon. Member to the Statute Book and leave him to judge for himself. For certain offences, boys under 16 might receive 12 stripes, and, in some cases, offenders under 18 might be whipped; but the number of strokes and the instrument were not specified. In cases of robbery with violence, if the offender was under 16, the strokes were not to exceed 25, and were to be inflicted with a birch rod; lads over 16 might receive 50 lashes with the cat.

MR. OSBORNE MORGAN said, he would, after the direct appeal which had been made to him, venture to trouble the House with a few observations. He was one of the Governing Body of the school, and he was appealed to by Mr. Moss a few days ago, to vindicate him from the charge of having grossly ill-used a pupil. He thought the case demanded a searching investigation, and that it ought to take place at Shrewsbury; but, unfortunately, from his Parliamentary and legal duties, he was prevented from attending the inquiry. It was conducted by the Rev. Dr. Bateson (the chairman), the Bishop of Manchester, Earl Powis, Mr. Hibbert (late M.P.), and Mr. Kenyon, Q.C., and they arrived at the conclusion that the original charges against Mr. Moss had been exaggerated, and also that the punishment inflicted was not excessive or improper. As to the facts, he was not able to add anything to the statement which had appeared in the newspapers. The conclusion to be drawn from the facts was another matter. He had no right to impugn the decision of his col-

leagues. He could hardly put his finger on five men more competent to conduct such an inquiry, but he should be unworthy of the position of a Governor if he did not endeavour to form an independent judgment. He had read over carefully every word of the evidence taken, and he had also heard from Mr. Moss's own lips his defence and explanation, and he was bound to say that he could hardly understand the decision at which his colleagues had arrived. In his opinion, the punishment was both excessive and improper. That, of course, was only his own individual opinion; but it might derive some additional weight from the recommendation which the Governors appended to their finding, and which was that such a punishment should not be inflicted in future. Under all the circumstances, and thinking that he would be placed in a false position if he were considered responsible for the decision, to which he had been no party and of which he could not approve, he had that day placed his resignation in the hands of the Governing Body.

#### BANK HOLIDAYS.—THE POST OFFICE. QUESTION.

MR. J. G. TALBOT asked the Postmaster General, Whether it is true that the clerks in those departments of the Post Office which already enjoy the other bank holidays are not to be allowed a holiday on Monday next, August 3rd; and, if so, whether he does not consider that the clerks in the Savings Bank Department at any rate have a claim to the same holidays which are secured by law in all other banking establishments?

LORD JOHN MANNERS, in reply, said, the Bank Holidays Act did not apply to the Post Office; but it had been arranged that the clerks should have a holiday on Easter Monday, Whit Monday, and the day after Christmas Day. It would, however, be inconvenient to observe the first Monday in August as a holiday at the Post Office. He did not think the clerks in the Savings Bank Department had a claim to the same holidays which were secured by law in other banking establishments.

and I therefore now move that the Order be discharged.

Motion made, and Question proposed, "That the Order for receiving the said Report be discharged."—(*Mr. Disraeli.*)

MR. GLADSTONE: Sir, it would be interesting to the House to have some further explanation on the subject of this Resolution before the Order is discharged. We adopted the Resolution under an assurance from the Government of its necessity, and therefore it is desirable we should know what view the Government takes respecting it? Do they think the Bill stands well without it? On what foundation do they propose to discharge the Resolution?

MR. DISRAELI: Perhaps the House will allow me to explain more fully. I regret I cannot make a communication in detail as I could have wished; but probably I may be able to do so before the House adjourns. The arrangement is one which will secure the offices of a Judge of the highest distinction, and who will require no increase of remuneration beyond the pension which he has already earned as a reward for his services.

Question put, and agreed to.

Order discharged.

#### PUBLIC WORSHIP REGULATION BILL.

(*Mr. Russell Gurney.*)

[BILL 236.] [*Lords.*] CONSIDERATION.

Bill as amended *considered*.

MR. HUBBARD (*London*) said, he wished to explain why he had not moved the Amendments of which he had given Notice in Committee. In order to do so, he would require to draw the attention of the House to what had taken place with respect to the 1st clause, which fixed the title to be the "Public Worship Regulation Act, 1874." He objected to that title as a misnomer, inasmuch as the author of the Bill, the Archbishop of Canterbury, Lord Selborne, and Lord Cairns had all declared, in and out of Parliament, that it neither touched doctrine nor discipline, that it created no new offences, that it in no way interfered with public worship, and that it was simply an improvement of the Procedure Act. He therefore proposed to alter the title to one which described the real object of the Bill. His

right hon. and learned Friend (*Mr. Russell Gurney*) said he had no objection to withdraw the clause, and upon that he (*Mr. Hubbard*) withdrew his Amendment. Some hon. Members, however, forced a division on the clause, and "the Ayes" had it; but he thought the House would hardly be satisfied to leave upon the face of that new statute a title which affirmed a distinct inaccuracy.

SIR WILLIAM HARCOURT rose to a point of Order. Could a hon. Member discuss in the House what had taken place in Committee?

MR. SPEAKER ruled that the hon. Member was not in Order, the question before the House being that this Bill be now considered.

MR. HUBBARD said, he did not understand the Forms of the House so well as the hon. and learned Gentleman opposite. He did not, however, propose any further Motion on the subject, and should leave it in the hands of those who had charge of the Bill. All he cared for was that in their legislation they should be explicit and truthful. With regard to the Schedule, when that was last under consideration, it was considered imperative that those who might be complainants under the provisions of this Bill should be qualified by being interested in the matters of which they complained—that, in fact, they should be members of the Church of England. But some hon. Members had raised doubts as to the sufficiency of that declaration, and it would be remembered that the hon. Member for Swansea (*Mr. Dillwyn*) asked, "What was a member of the Church of England?" and another hon. Gentleman, a member of that respectable body the Society of Friends, the hon. Member for Bedfordshire (*Mr. Bassett*), said that they all were members, some conforming and some non-conforming. The hon. Member for Merthyr (*Mr. Richard*) had also declared that a member of the Nonconformist Body was legally a member of the Church of England. It might be, in one sense, said that every baptised person was a member of the Church; but the clear and indisputable test was, whether or not any person was a communicant. The Sovereign of this country was, by law, required to be a member of the Church of England, and the evidence of such membership was provided by the reception of the Holy Communion.

*Mr. Disraeli*

nion in the Coronation Service. It had been his intention, therefore, to add the words "being a communicant," in the declaration required from a complainant under this Bill; but the House having twice, by large majorities, affirmed the necessity of a declaration that the complainant was a member of the Church of England, he accepted that fact as decisive of the intention that the membership should be a reality, and that the terms used were sufficient for their purpose. He trusted the Bill would now go to the country at large, and to the clergy in particular, under auspices which would induce them to give it their serious consideration. It had his entire concurrence with regard to the main object which he assumed it to have.

MR. RUSSELL GURNEY, in proposing as an Amendment, the addition of the following new clause:—

(Provisions relating to college chapels, &c.)

"The duties appointed under this Act to be performed by the bishop of the diocese shall in the case of the chapels of the colleges and halls in the Universities of Oxford, Cambridge, and Durham, be performed by the visitor of such college or hall, and in the case of the university church of any of the said universities when used by such university, or in the case of the Temple Church, or of the chapels of Lincoln's Inn or Gray's Inn, the said duties shall be performed by the archbishop of the province. The persons entitled to make a representation in relation to the chapel of any such colleges or halls shall be three persons who shall be doctors of divinity, law, or medicine, or masters of arts who have, and for one year next before taking any proceeding under this Act, have had their names on the books of such college or hall. The persons entitled to make a representation in relation to the university church of any of the said universities when used by such university shall be three persons who shall be doctors of divinity, law, or medicine, or masters of arts, who have and for one year next before taking any proceedings under this Act have had their names on the books of any college or hall in such university. The persons entitled to make a representation in relation to the Temple Church shall be three barristers at law of three years' standing of either the Inner or Middle Temple, and in relation to the chapels of Lincoln's Inn or Gray's Inn shall be three barristers at law of three years' standing of the said inns respectively. If any complaint shall be made concerning the ornaments, furniture, or decorations of any chapel of the colleges or halls of any of the said universities, or of the Temple Church, or of the chapels of Lincoln's Inn or Gray's Inn, the person complained of shall be the person responsible for the custody of such church or chapel, and the visitor or the archbishop of the province, or the judge, as the case may be, shall have power to carry into effect any direction contained in any monition at the cost of the person responsible for the

custody of such church or chapel. In any other matter which may be the subject of a representation under this Act the person complained of in relation to a chapel of any of the colleges and halls of any of the said universities or in relation to the university church of any of the said universities when used by such university, or in relation to the Temple Church or the chapels of Lincoln's Inn or Gray's Inn, shall be the clerk in holy orders alleged to have offended in the matter complained of; and the visitor or the archbishop of the province, or the judge, as the case may be, in the event of obedience not being rendered to a monition, shall have power, if he think fit, to suspend the person complained of from officiating in such church or chapel until obedience to the monition is promised in writing. Nothing in this Act shall affect the provision with respect to the chapels of colleges and halls of the said universities which is contained in section 6 of 'The University Tests Act, 1871.'"

said, the Bill was considerably altered in Committee, and the 19th section which provided the exemption of various churches and chapels was struck out. He had been told that, having charge of the Bill, it was his duty to propose a clause with regard to these exemptions. The clause proposed that the duties appointed under this Act to be performed by the Bishop of the diocese should in the case of chapels of the colleges and halls in the Universities of Oxford, Cambridge, and Durham, be performed by the visitor, or in the case of the University church, the Temple church, or of the chapels of Lincoln's Inn or Gray's Inn, the duties should be performed by the Archbishop of the province. The persons entitled to make a representation in relation to the chapel of any such college or hall should be three doctors of divinity, law, or medicine, or masters of arts, and with regard to the Temple Church and Inns of Court chapels three barristers. The right hon. and learned Gentleman concluded by moving the addition of the clause.

Motion agreed to; clause added to the Bill.

(Clause 1 Short title.)

MR. SCOURFIELD, in moving the omission of the clause, said, short titles, as a rule, were, in his opinion, of little or no consequence, but if there was to be a short title at all it ought, he thought, to describe what was in the Bill. Now, he contended that the Bill did not relate to the regulation of public worship at all, and that being the case it was a misnomer to call it by such a

title, and he should therefore propose that it be left out.

Amendment proposed, to leave out Clause 1.—(*Mr. Scourfield.*)

Question, "That Clause 1 stand part of the Bill," put, and *agreed to*.

Clause 3 (Extent of Act.)

Mr. RUSSELL GURNEY, in moving, as an Amendment, in page 1, line 15, after "and," to insert "to the Channel Islands," said, he had ascertained at the Home Office that that had been done in the case of other Bills without consent being obtained, and that no objection had ever been made.

Amendment *agreed to*.

Clause as amended, *agreed to*.

Clause 6 (Interpretation of Terms.)

Mr. DILLWYN, in moving, as an Amendment, in page 2, line 38, to leave out the words "has transmitted to the bishop, under his hand, the declaration contained in Schedule (A), and who" said, the term "parishioner" would be very much circumscribed and narrowed if it were only held to include those who were prepared to subscribe such a document. He protested against a wider distinction than that which now existed being drawn between Nonconformists and members of the Church of England. His own opinion was that parishioners ought not to be confined solely to members of the Church of England, but the term ought to include all members of other denominations who were living in the parish. Were the scope of the clause limited as it stood in the Bill fresh opportunities of aggression would be given to Churchmen against the Nonconformists. He hoped the House would reconsider the determination it had formerly come to, and would agree to his Amendment. If it did so, the Bill would be strengthened, and it would meet with much more acceptance in the country. The hon. Gentleman concluded by moving the Amendment.

Amendment proposed,

In page 2, line 38, to leave out the words "has transmitted to the bishop, under his hand, the declaration contained in Schedule (A), and who." (*Mr. Dillwyn.*)

Question proposed, "That the words proposed to be left out stand part of the Bill."

*Mr. Scourfield*

Mr. COWPER-TEMPLE said, the definition of a parishioner which was given in the clause was for the special purpose of putting the powers of the Court in motion, and would not define the qualification of a parishioner for any other purpose. The hon. Member for Swansea was mistaken in supposing that the object of this clause was to deprive Nonconformists of any rights to which they were entitled. The clause simply provided that if any members of the Church of England were aggrieved at the way in which the services of the Church were conducted in the church which they attended, they should have a right to complain of any illegality. The effect of the hon. Member's Amendment would be to introduce an inconsistency into the Bill by allowing persons who did not attend the Church of England to prefer charges against clergymen for not performing the services properly, although they had voluntarily renounced their participation in those services.

SIR JOHN KENNAWAY said, although he could not support the Amendment, he had no wish to narrow the boundaries of the Church of England. He rejoiced to think that all Nonconformists were members of that Church and had a right to attend her services and to be buried in her graveyards. But the feelings of the clergy on this matter should be considered. The discussion of the Bill had generated a feeling of irritation among a portion of the people of this country, and the feelings of the clergy on this matter ought to be taken into account. The clergy ought not to be enabled, through any ill-advised alteration of the Bill, to say that they had been placed at the mercy of those who did not attend or conform to the services of the Church of England.

Mr. RICHARD: Sir, I have not thought it my duty to take any part in the discussion on the clauses of this Bill, as I deemed it more respectful to the members of the Church of England to leave the matters which concerned them so intimately entirely in their hands. But the question before us now is one which touches the interests of Nonconformists, and I wish to say a few words upon it. I feel grateful to my hon. Friend the Member for Swansea (Mr. Dillwyn), for the gallant fight he has made for the principle embodied in his

Amendment, and which seems to be one of great gravity and importance. This clause introduces what I cannot but regard as a dangerous innovation. I do not know whether the hon. Gentlemen who support these provisions of the Bill which restrict the right of setting the Act in operation to members of the Church of England, have well considered the full significance of the course they are taking. What they are doing is this—they are denationalizing the Church of England, converting it from the Church of a nation into the Church of a sect. And they are doing that in direct opposition to the principle which, as I have always understood them, they have hitherto consistently and strenuously maintained. That principle is this—that the Church of England is a national institution which claims to comprehend within its pale, all the members of the State, whether they wish it or not. The hon. Member for the City of London (Mr. Hubbard) finds fault with me for having made that statement on a former occasion. But I did it, not on my own authority, but on that of members of the Church of England. I do not know how far the other Members of that Church in this House are prepared to adopt his definition of its membership, as being restricted to communicants. But I could produce a complete *catena patrum*, a long list of authorities from the earliest times until now, in support of the view I have stated as that of the Church. I have already on a previous occasion cited the words of Hooker, who affirms that Church and State are so absolutely identical, that “no person appertaining to the one can be denied to be also of the other.” Archbishop Whitgift, again, in the time of Queen Elizabeth, said—

“I perceive no such distinction of the commonwealth and the Church that they should be counted as it were two several bodies, governed with divers laws and divers magistrates. . . . The Commonwealth of England is not distinct from the Church of England.”

Bishop Jeremy Taylor says—

“The Church is not a distinct state and order of men, but only the Commonwealth turned Christian.”

Lord Eldon said, that—

“He knew no difference, as to the persons of whom they are composed, between the Church and the State: the Church is the State and the State is the Church.”

And if you want a more modern authority, I will give it from a highly-respected Member of this House. Everybody will admit there is not amongst us a more genuine or earnest friend of the Church of England than the hon. Gentleman the Member for North Warwickshire (Mr. Newdegate). But what did he say, in a discussion that took place two or three years ago, on the Bill for the establishment of parochial councils by the noble Lord the Member for Liverpool? Here are his words—

“The Church would have no right to continue established if she became merely congregational; that was, if she ceased to be the Church of the parish or of all the parishioners, whether they accepted her ministrations or not.”  
—[3 *Hansard*, civ. 851.]

But you are now drawing a distinction which I believe has been hitherto unknown to the law. The law in regard to all existing ecclesiastical and parochial arrangements, has never recognized this distinction between one class of parishioners and another. All parishioners, according to the parochial or territorial system, are supposed to be under the charge of the parish clergyman. Nonconformists have a right to seats in the parish church, to burial in the parish churchyards, to be baptized and married and join the communion in the parish church. Nonconformists may, and do, act as churchwardens, though I believe they have power to claim exemption; and the most curious thing is that a Dissenter may act under the Bill without taking the declaration, if he be a churchwarden. Dissenters are members of the parish vestry, and may take part in discussions and votes on all Church questions that may come before that body. Even as regards church rates, the only disqualification imposed by the Church Rate Abolition Act is, that those who have not paid a rate cannot vote on questions relating to that particular rate. In all other respects the rights of Nonconformists are as before. In those few cases in which the election of incumbents is the right of parishioners, all the parishioners, irrespective of religious distinctions, act as the constituents. If the Church of England be a national institution, it ought to be subject to national control. And it is so in the last and highest resort. Surely this House is the whole nation acting in its representative capacity.

And yet this House claims and exercises the right to deal with all the affairs of the Church, its doctrine and discipline and its Ritual. If nobody outside the Church of England has any right to intervene in matters affecting rites and ceremonies and the conduct of the clergy, why is Parliament—why is this House, which consists of Roman Catholics as well as Protestants, of Dissenters as well as Churchmen, of Jews as well as Gentiles—called to pass such a Bill as this? If only an Episcopalian can be an aggrieved parishioner, why, *a fortiori*, a Nonconformist ought not, by legislation, to determine the mode in which that aggrieved Episcopalian is to obtain redress. To be consistent you should enact a new test for hon. Members for this House, so that when they come up to the Table, they shall be required “solemnly to declare themselves to be members of the Church of England as by law established;” since when they come here they have to deal with every sort of question pertaining to the affairs of that Church. No apprehension, I believe, could be more absolutely groundless than that which seems to haunt some hon. Gentlemen opposite—that if the Nonconformists were not excluded, they would busy themselves in getting up frivolous and vexatious suits under the Bill, merely to bring the Church into discredit. You may trust the good sense and good feeling of the Nonconformists not to pursue such a course. We never do interfere in the internal arrangements of the Church, and there is very little probability indeed that, if the Bill were to pass without the clause, any Dissenter would ever meddle in the matter. Still, we do not wish our legal rights to be done away with by a side-wind. May I, without offence, make one other remark on the Bill generally? I confess that the discussions on this measure have not been to me pleasant or edifying. I have felt sincere sympathy—I say this not sarcastically, but quite sincerely—with Members of the Church of England in this House, some of whom, I think, must have felt almost intolerable humiliation. At least, I should have felt so if I had been in their place; if the affairs of my Church—all its most sacred and spiritual interests, everything relating to its doctrines, its discipline, its forms of worship, were to be thrown on

the floor of this House, to be dealt with by all sorts of men, some of whom may not have the smallest sympathy with it. But the members of the Church of England have at least this consolation—that the difficulties and embarrassments in which they are now involved have sprung directly from a revival of spiritual life within the Church. I remember the hon. Gentleman the Member for the University of Cambridge saying, two or three years ago, that the Church of England as it is now, and as it was 50 years ago, is a totally different thing. The hon. Gentleman did not then refer to any change in doctrine or Ritual but to the development of a more vigorous spiritual life in the bosom of the Church. The right hon. Gentleman the Member for Greenwich repeated the sentiment on a late occasion. I agree with them both, and I cordially rejoice in the fact. You Members of the Church of England do us Nonconformists gross injustice if you doubt the perfect sincerity with which we rejoice in the additional efficiency of the Church as a Christian institution. But life also has its inconveniences. You can do what you like with dead timber. You can fabricate and fashion it into any form you please. But a living tree cannot be made to grow according to rule. What you are trying to do appears to be this. You are taking this new wine, which is full of life and fermentation, and putting it into the old bottles of uniformity, and yet you expect them not to burst. They will burst, and ought to burst, in my opinion. What the Church wants is more liberty to develop her own life. Give her that liberty, and the Church will render greater and more important services than even those which she has already rendered to the cause of Christianity in this land.

MR. NEWDEGATE said, the hon. Member was right in ascribing to him a desire to maintain the national character of the Church of England; but his hon. Friend claimed for the Nonconformists a right in the Church of England. His object as a Member of that Church was to preserve her in such a condition that the Nonconformists should not, however, they the innovation would impede action if the

*Mr. Richard*



formist Bodies to participate in the task. The task they had to undertake in the Bill was strictly a Church of England task. If the Dissenters were invited to join in the work, he thought they would be likely to drag the Church in an opposite direction to the Nonconformity which the Bill desired to correct; but still their action would be the action of Nonconformists. Therefore he held that the power of bringing into operation the provisions of this measure should be confined to members of the Church of England.

SIR HENRY HAVELOCK supported the Amendment. If Ritualism merely meant outward ceremonies and gestures, he, for one, should not feel inclined to meddle with it at all; but it was in reality an attempt on the part of those who were bound by the most sacred obligations to uphold the Church of England to introduce doctrines which the country rejected three centuries ago, and he, in reference to this matter, claimed the right to forget that he was a Nonconformist and to recollect that he was an Englishman. By attempting to narrow the definition of the word "parishioner," members of the Church shut out some who were their warmest friends, and who would be their staunchest allies in the struggle in which they were engaged. The Dissenters did not envy or desire to partake in the endowments of the Church of England, but on the question now before the House they claimed to be members of that Church.

Question put.

The House divided:—Ayes 153; Noes 54: Majority 99.

MR. HOLT then moved an Amendment of which he had given Notice.

Amendment proposed,

In page 3, line 4, after the word "relates," to insert the words "or if not resident as aforesaid is owner or tenant of lands or tenements in the said parish, and is resident within seven statute miles thereof, or of any part thereof."—*(Mr. Holt.)*

Question, "That those words be there inserted," put, and *negatived*.

Clause 7 (Appointment, duties, and salary of judge).

MR. RUSSELL GURNEY moved, as an Amendment, in page 3, line 14, to omit the words "of Her Majesty's High Court of Justice or Her Majesty's Imperial Court of Appeal," and to insert—

"of any court to which the jurisdiction of any such court has been or may hereafter be transferred by authority of Parliament."

Amendment agreed to.

SIR WILLIAM HARCOURT, in rising to propose, as an Amendment, in page 3, line 36, after "Faculties" to add—

"And whereas it is expedient that the judge shall receive a fixed salary, forming a charge on fees received by ecclesiastical officers; but until the laws relating to such fees shall have been amended by Parliament, and a fee fund or fee funds established, temporary provision must be otherwise made for the payment of the said salary: Be it Enacted, That any salary or emoluments which such judge shall be entitled to receive from the said offices, other than the office of judge under this Act, shall be paid over by him to the Ecclesiastical Commissioners for England, and all fees payable in respect of proceedings before the said judge under this Act shall also be paid over to the Ecclesiastical Commissioners. The Ecclesiastical Commissioners shall pay to the said judge by equal quarterly payments such salary as shall be assigned by the Queen, by Order in Council, not exceeding the sum of four thousand pounds per annum. Every such payment, or so much thereof as may exceed the salary and emoluments which the judge may be entitled to receive from the aforesaid offices, together with the fees to be paid over to the Ecclesiastical Commissioners under this section, shall be treated as an advance to be repaid from fees received by ecclesiastical officers, in such manner as Parliament may hereafter determine."

said, he did not think the announcement made by the Prime Minister diminished the necessity for the Amendment. It would not be creditable to that House that they should send forth a Bill of that consequence, creating a Court of which a Judge was the pivot, without providing any means for the payment of that Judge. It might be true that a satisfactory arrangement might be made for the present, but that arrangement depended upon the life of a single man, which might fail. It would not be creditable to the House to sanction legislation of so incomplete a character that it depended on the life of a single person. He was glad the proposal to put the charge on the Consolidated Fund had been withdrawn, because it was open to considerable objection; but he would have voted for the worst arrangement, rather than have had none. The arrangement he now proposed was perfectly feasible, and in principle it was entirely unobjectionable. The original proposal was that the salary should be charged upon the fund of the Ecclesias-

tical Commission, not with the ultimate intention of its bearing the charge; but in the form of an advance, under guarantee, which would certainly protect the fund from loss. The ecclesiastical fund was nothing more nor less than a trust for the good of the Church, and that Bill was supported as one for the good of the Church. It was the object alike of the Bill and of the Ecclesiastical Commission to maintain the Protestant Reformation in England, and that was far more important than increasing the emoluments of particular incumbents. Therefore, if it were necessary to state the proposition broadly, it was impossible to apply the fund to a more appropriate and legitimate purpose than this. A considerable portion of it was derived from capitular and Episcopal estates. The germ of his proposition was contained in a Bill of Lord Shaftesbury's, which passed through the other House in 1872, and which the present Home Secretary took charge of in this. That Bill proposed to appoint a Judge much after this fashion—to pay all ecclesiastical fees to the common fund, and out of it to pay for the judicial work of the Church. The right hon. Member for Greenwich gave to that Bill a partial approval. The present Home Secretary showed that the income from the fees of chancellors, registrars, apparitors, surrogates, &c., amounted to £71,000 a-year, and contended that the work could be much better and more cheaply done if the fees were paid to the common fund. The right hon. Member for Oxfordshire (Mr. Henley), in his characteristic language, said there was no sport equal to the tracing out of these fees, except rathunting in a barn. The estimate made at the time was that the work could be done for £30,000, leaving £40,000 for the remission of fees and other purposes. These funds were at the disposal of the House, for the Act under which all the offices were held stipulated that Parliament might abolish them at any time without giving the holders any claim to compensation. Parliament had complete power over these offices and the fees, some of which were exorbitant; and the Government could deal with them by introducing a Bill such as that of which the present Home Secretary had charge in 1872. These fees should all be paid into a common fund, and one of the payments to be made out of it should be

the salary of the Judge appointed under this Act. If Government would see the Amendment, the Commission would only have to advance the money from the ultimate fund out of which the salary was to be paid being these ecclesiastical fees, which would be at the ultimate disposal of Parliament. In this way would have ample means to give complete practical effect to this Bill, which would then be worthy of that House. Any proposal with reference to the payment of the Judge short of a permanent and operative arrangement would be a discredit to their legislation and make it be believed that the measure was, after all, intended to sham. If the proposal were accepted, it would be easy, in case the office should be accepted by a Judge holding a pension, to provide that the pension should be in lieu of salary. The hon. learned Gentleman concluded by mentioning the Amendment.

#### Amendment proposed,

In page 3, line 36, after the word "Fact" to insert the words "And whereas it is enacted that the judge shall receive a fixed salary, and a charge on fees received by ecclesiastical officers; but until the laws relating to such fees shall have been amended by Parliament, the fee fund or fee funds established, temporary provision must be otherwise made for the payment of the said salary: Be it Enacted that any salary or emoluments which such judge shall be entitled to receive from the said House other than the office of judge under this Act shall be paid over by him to the Ecclesiastical Commissioners for England, and all fees paid in respect of proceedings before the said judge under this Act shall also be paid over to the Ecclesiastical Commissioners. The Ecclesiastical Commissioners shall pay to the said judge equal quarterly payments such salary as shall be assigned by the Queen, by Order in Council, not exceeding the sum of four thousand pounds per annum.

"Every such payment, or so much thereof as may exceed the salary and emoluments of the judge may be entitled to receive from the aforesaid offices, together with the fees paid over to the Ecclesiastical Commissioners under this section, shall be treated as an advance to be repaid from fees received by ecclesiastical officers, in such manner as Parliament may hereafter determine."—(Sir W. Vernon Harcourt.)

Question proposed, "That those words be there inserted."

MR. MONK supported the Amendment. Before going into Committee he had proposed a somewhat similar scheme; but his hon. and learned Friend had carried it out in greater detail. There could be no doubt, that if

*Sir William Harcourt*

proposal were adopted, there would be ample funds available for the payment of the Judge, although the Archdeacons were entitled to £11,000 a-year out of the sum. He thought it would be wise if the question of the separation of these offices were considered, and a fair division of the duties secured.

MR. GATHORNE HARDY could not think the House would be inclined to accept the Amendment. The extraordinary proposal was, that the House was to dispose of a fund which was not in its possession, and to dispose of it by anticipation. His hon. and learned Friend was aware the Bill would not come into operation until the 1st of July in next year, therefore, there would be ample time to consider the question of ecclesiastical fees; but he could not think that Parliament would tie its hands as to the disposal of those fees by an Amendment on the mere Report of a Bill. He strongly objected to taking the money out of the common fund for the purpose, and which money ought to go to the poor clergy. To deal with ecclesiastical fees was one of the most serious subjects that could come before Parliament, and would require a Bill itself, and not that they should be treated in the off-hand manner proposed.

MR. NEWDEGATE said, he could not see the force of the objection raised by the right hon. Gentleman who had just sat down. They knew that there was a revenue accruing from fees, and the hon. and learned Gentleman was not proposing to give up all the fees. The common fund had been provided for by the income of the Bishop's estates. He held that these funds were essential for the preservation of the Church.

MR. KINNAIRD remarked that, as by the last vote they had denationalized the Church, it would be unjustifiable to take any of the money required from the Consolidated Fund. He, however, thought the Bill was very defective, when it did not provide for the payment of the Judge's salary, and in his opinion the funds for that purpose should come out of the Ecclesiastical Fund.

THE ATTORNEY GENERAL FOR IRELAND (DR. BALL) thought that an elaborate plan would be required to carry out the system now proposed; such a plan as was not at present in existence. If they had a retired Judge who was willing to take the office,

there was surely no necessity for entering upon the consideration of such a plan at the present moment. To deal properly with the matter they must have such a scheme as could only be carried out by an Act of Parliament. He would suggest to the House what had been already suggested by the Prime Minister—namely, to take the Bill as it was, and leave this question of salary, and out of what funds it should be paid, for future consideration. It must be remembered that ecclesiastical fees were paid for special purposes, and could not at once be diverted from them without interfering with existing rights and interests in such a manner as to inflict an enormous amount of injury and injustice. Take, for example, the fees paid for marriage licences. They were very large; but a Royal Commission, consisting of such eminent men as Lord Selborne and Lord Chelmsford and others, recommended their abolition. He did not agree with the recommendation, but he respected the opinion of such authorities. What effect would the Amendment have, were these fees abolished? None, whatever. The principal part of the fund relied upon, would have disappeared. On the whole, it appeared to him that the proposition would only embarrass the working of the Bill, and he hoped, therefore, his hon. and learned Friend would withdraw it.

MR. EVELYN ASHLEY thought that to pass the Bill without making any provision, beyond a mere temporary arrangement, for the maintenance of the Judge whom it was proposed to appoint, would be to stamp it as a farce and an unreality. In common with others, he had voted the other day for making that a charge upon the Consolidated Fund, not because he thought that was strictly the proper course, but because he recognized the paramount importance of the Bill. Whatever difficulties there were would be best overcome by declaring plainly that the salary should be provided out of the funds at the disposal of the Ecclesiastical Commissioners, which, in his opinion, ought certainly to be devoted to Church purposes. If the Bill was passed in the form now proposed, it would, to the student of the Statute Book, mean nothing at all.

COLONEL BARTELOT held that it would be a disgrace if they were to pass the Bill without making a definite ar-

rangement as to the salary of the Judge. For his part, he should not have been sorry to see the money come from the Consolidated Fund; but the next best proposal was that of the hon. and learned Member (Sir William Harcourt.) When the Bill came from the other House there was provision for the payment of the Judge; but that provision having been hastily condemned, they were now driven to the alternative of supporting the Amendment of the hon. and learned Member for Oxford. His (Colonel Barttelot's) proposition was, that as they were going to appoint a Judge, they were bound to provide a proper salary for him.

Mr. DODSON thought that in fixing the salary they would also consider the work which the Judge would have to do. Unless the Act should promote litigation the Judge would really have very little to do. If he were to be paid £4,000 a-year for deciding two or three cases within the twelve-month, as seemed likely to be the case, by the experience already gained during past years in the Provinces of York and Canterbury, then he would have one of the most valuable appointments in England, and would be paid for that amount of work more than any man who went before him, or any man who was likely to come after him. He thought the suggestion which had been made by the Government was a very good one, for they had found an eminent man who would accept the office without salary, and it would be unwise to name the amount of salary until they should know what would be the amount of work to be done under the Bill.

Mr. HARDCASTLE thought the first object of the House should be to secure the services of a first-rate Judge, whose opinions would command confidence; and that the House could not gauge the value of the services of such a Judge, by the fact of his having only two or three causes to dispose of in a year. With regard to the proposition of the hon. and learned Member for Oxford, that the source out of which the salary of the Judge should be paid should be fees paid for the performance of various ecclesiastical functions, he (Mr. Hardcastle) thought no more reasonable course could be proposed. He knew as a fact that the work done by a considerable number of ecclesiastical officers, in

respect of which they derived considerable incomes, was really merely nominal. The most leisurely man he knew was a Bishop's registrar. He feared that the Bill would go before the country in an incomplete state if, after having appointed a Judge, they provided no means for securing the continuance of a suitable salary.

Mr. MOWBRAY supposed there was no one in the House who did not wish to secure the services of a Judge of the highest ability, and that he should be adequately paid. But he hoped the House would not sanction the dangerous course proposed in the Amendment moved by the hon. and learned Member for Oxford. The funds at the disposal of the Ecclesiastical Commissioners were intended for the relief of spiritual destitution in populous places, and it would be impolitic and unjust to appropriate them to the payment of a Judge's salary. He might also remind the House that in the Court of Arches last year there were only three or four cases, such as would come under the provisions of this Bill, heard and decided, so that he could not help thinking a salary of £3,000 or £4,000 a-year was rather too much. At all events, it could not be paid out of the funds at the disposal of the Ecclesiastical Commissioners.

Mr. HUBBARD (*London*) asked, out of what fund the salary of the Judge was to be taken, if it was not to be taken out of an ecclesiastical fund? He thought the application of the funds administered by the ecclesiastical Commissioners to the payment of the salary of the Judge, was one of the most legitimate purposes to which that fund could be applied.

Mr. GLADSTONE said, it was plain to him, from the speech of the hon. Member for South-East Lancashire (Mr. Hardcastle), and from some other speeches, that the Motion before the House was not understood. The hon. Gentleman stated, and he (Mr. Gladstone) had, no doubt, most sincerely believed, that the proposal provided for the salary of the Judge out of ecclesiastical fees. But the proposal was nothing of the kind. To say that there were ecclesiastical fees out of which the salary of the Judge could be paid, was pure absolute, undiluted moonshine. His hon. and learned Friend said there plenty of fees out of which to pay the Judge. If so, why did his



learned Friend go to the Ecclesiastical Commission? If, as had been frequently said, there was a fund in the hands of the Ecclesiastical Commissioners, out of which the salary of this Judge could be paid, let him be paid by all means; but he (Mr. Gladstone) believed that such a fund did not exist. He was very glad that the right hon. Gentleman at the head of the Government made the proposition which he did on this subject, because it made this much at least plain—that there had been no difficulty at the outset in providing the salary for a first-rate Judge. He understood that a person of the highest eminence had agreed to serve in that office; a proceeding which confirmed the fact that, from the amount of judicial power that there was in the country, there was no doubt that the anticipated difficulty was entirely visionary. He affirmed that that was a proposal to take the salary of a Judge out of the sole fund of a public character which was available for increasing the stipends of poor clergy, and establishing new livings to meet the spiritual wants of the people. The explanation that had been offered as to how the funds were to be provided was the purest speculation. It was supposed that if Parliament had time for the purpose, and if there happened to be hon. Gentlemen willing to devote time and pains to ecclesiastical affairs, and if the strong interests which were involved did not happen to be able to battle successfully against interference, these benevolent gentlemen might be able to provide funds. Where were these philanthropists to be found? Was it so easy to find men who would not only sacrifice their own convenience, but expose themselves to every kind of vexatious opposition, to attain that result? There was not the slightest chance of any reform of the fees with the view of providing the Judge's salary once it was fixed on that fund, and he was quite sure all enthusiasm on that point would vanish into thin air. To suppose that at some time or another somebody would be found willing to undertake a most difficult task, for the purpose of adding several thousand pounds to the funds of the Ecclesiastical Commissioners, was a pure delusion. This was, in short, a proposal to pay £1,000 more than the framers of the Bill or the House of Lords deemed necessary, and that not out of

fees, but out of a common fund, which he was confident the unanimous sentiment of the House would again declare ought not to be applied to the purpose.

Question put.

The House divided:—Ayes 85; Noes 120: Majority 35.

Clause 8 (Representations by arch-deacon, churchwarden, or parishioners).

MR. RUSSELL GURNEY moved, as an Amendment, in page 4, line 19, the omission of the words "forbidden by law," with reference to alterations in, or additions to, the fabric, ornaments, or furniture of a church; with a view of substituting in the same line, after "made," the words "without a faculty from the ordinary authorizing or confirming such alteration or addition."

THE ATTORNEY GENERAL FOR IRELAND (Dr. BALL) said, he thought the words proposed to be introduced were too ambiguous, and that they would lead to litigation. The proper expression was that which would guide the Ecclesiastical Judge in dealing with the question—namely, the word "unlawful." The Ecclesiastical Courts did not decide these matters with reference to the existence of a faculty from the Bishop, but simply with reference to the legality or illegality of the acts complained of, and Lord Stowell, who was the highest authority on such subjects, laid down the principle that even if some change had been made without a faculty, the question for the Court to determine was whether or not the thing was wrong in itself; and he (Dr. Ball) believed that the ecclesiastical law would be found quite adequate to remove everything that was really objectionable. The remarkable case of the tombstone inscribed "Pray for the souls of," was not decided with regard to a faculty, nor was the case of "*Westerton v. Liddell*." He much preferred the word "unlawful" to the ambiguous phrase "forbidden by law."

SIR WILLIAM HARCOURT said, the right hon. and learned Gentleman's learning was thrown away, as it had nothing to do with the Amendment. Complaints might be made against some ornament or object in a church which could not perhaps be said to be strictly unlawful in itself, but which might be removed because it was put up without a Faculty. He would give as an example

the setting up of a confessional box. The right hon. and learned Attorney General for Ireland, with his knowledge of ecclesiastical law, would not, he was sure, undertake to say that a confessional would be unlawful—at least, it had not yet been so decided. But the protection against such an object would be, that the Bishop had not given a Faculty for it, and it was important to preserve this safe-guard. The Bishop might now say that he displaced it, because no Faculty had been obtained for setting it up. He did not know why his right hon. and learned Friend had become the vehement and eloquent opponent of that Bill that afternoon for the first time; but he knew that the Bill would be utterly useless without the alteration, and he therefore hoped that the House would support the right hon. and learned Recorder in correcting the oversight.

MR. GATHORNE HARDY said, the Bill had been all along represented as making no change in the law, but only in procedure. It was now clear that the Bill was about to change the law. His right hon. and learned Friend the Recorder proposed to leave out the words "forbidden by law," and to substitute others; but in his (Mr. Hardy's) opinion, it was not necessary to do so, recollecting that Lord Stowell dealt with questions of law of this kind on principles that it was not now necessary to depart from. If his right hon. and learned Friend, therefore, pressed his Amendment, he would alter not only the Bill, but the mode of procedure, inasmuch as Lord Stowell laid it down that the great thing to know was whether a thing was lawful in itself, and if it were lawful, he would not enter into the question of the Faculty. He (Mr. Hardy) said the confessional was a question which, as to its illegality, was not yet decided, although he himself thought there could be no question as to its being unlawful, and it was better to try what the present law would do before making a new law. Let the Bill be confined to questions of ecclesiastical procedure without altering the ecclesiastical law.

MR. RUSSELL GURNEY said, the Bill would not in the slightest degree alter the law. He had never said that this Bill was merely confined to procedure, but had always recommended it as a measure to enable the law to be enforced. He believed the hon. and

learned Gentleman (Sir William Harcourt) had correctly stated the law, and that if a confessional were set up, the only way in which it could be at once removed was by showing that a Faculty had not been obtained.

MR. GLADSTONE said, that a controversy of great importance had been raised by the right hon. and learned Recorder. The right hon. Gentleman the Secretary of State for War had stated that this was no longer described as a Bill of procedure, but as a Bill for the alteration of ecclesiastical law. It was of the utmost importance to get at the bottom of the assertion of the right hon. Gentleman, and he trusted the hon. and learned Attorney General would give the House his opinion on this subject. Lord Stowell had made a distinction between strict law matters done under a Faculty. He thought that a thing was to be declared unlawful unless a Faculty had been obtained. Nothing came up to the demands of the law unless a Faculty had been obtained for it, and there was a great convenience in retaining that strict law. But it was not the law by which they were governed according to the declaration of Lord Stowell, endorsed by Sir I. Phillimore, and quoted by the right hon. and learned Attorney General for Ireland. The practical course of the law was, that new objects were introduced into churches, and, in point of fact, anyone considered what the Church would see that all manner of objects must be continually introduced, but for the most part they were of small importance indeed, and when one of those objects was questioned, the matter went before the ordinary and was required into. They had heard the course of the discussion of the confessional. Well, of course, everything cited that could warm men's blood, disturb their judgments, and draw from the calm consideration of the law. But what was the difficulty in regulating the confessional? As he understood from what had been said by the hon. and learned Member for Oxford (William Harcourt), if at present the confessional was challenged before a Ecclesiastical Judge, it was in his power to condemn it, because it had been set up without a Faculty. The practical course as laid down by Lord Stowell was, that the question tried before

Judge was not, as a rule, whether there had been a Faculty or not, but whether the object was lawful or unlawful. The effect of the alteration proposed by the right hon. and learned Recorder was, that it would not be tried whether the object was lawful or unlawful, but it would be simply whether a Faculty had been obtained or not. He could not understand, therefore, how it could be said that the law was not altered. According to the proposal made, a Faculty would be required for everything beforehand, even for new hymn books, supposing it were a new edition containing three or four new hymns. ["No, no!"] Well, if the illustration were objected to, he would not take one; but there were a multitude of objects connected with the furniture and services of the Church as to which the power of the ordinary was at present absolute; he might be reasonable or unreasonable, but he had arbitrary power, and its exercise had never produced any inconvenience. The proposal now made was, that every clergyman who wished to avoid having a complaint made against him must obtain a Faculty beforehand—a matter which involved application to a judicial officer and the payment of money. At present, in 99 cases out of 100 there was no difficulty at all, and in the hundredth, for the cause of offence, whether it were the introduction of a confession box, or whatever it might be, the law was still available. Was it desirable to introduce these preliminary proceedings in 99 cases out of 100? Surely, it was imposing upon clergymen and churchwardens a good deal of unnecessary trouble and expense. Before a Faculty could be issued, there must be inquiry, if there was the slightest cause for doubt, and without any necessity, hardship, delay, and expense would be incurred.

SIR HENRY JAMES said, he interposed reluctantly, but he must contend that the full question turned on the power given by the 8th and 9th clauses of the Bill, and the way in which the alteration was to be effected by the Amendment, which was one entirely of procedure and not of amendment of the law. To use a Common Law illustration, the Amendment merely gave one the right to issue a Writ. With respect to a Faculty, when a question came before a Judge, it was open to him to con-

sider whether it was lawful or not; and the Judge, whether the Faculty was written or not, would have to determine in the manner in which Lord Stowell determined.

THE ATTORNEY GENERAL said, that, having been so pointedly referred to by the right hon. Gentleman opposite, he could not abstain from saying a few words in reference to the proposed Amendment; but he was not disposed to attach so much importance to it as some hon. Members did. The right hon. and learned Gentleman, the Recorder, had, in the first instance, proposed to omit the words "forbidden by law" and to substitute for them the words, "without a faculty from the ordinary authorizing or confirming such alteration or addition;" but now he proposed to substitute the words "without lawful authority." He (the Attorney General) thought that the words "forbidden by law" and "without lawful authority" would be found in practice to have substantially the same effect; but, viewing them as a lawyer, he thought the words "without lawful authority" were somewhat more extended in their operation. Instances had been suggested, and it would not be difficult to suggest others, of acts and practices which were not forbidden by law, but for the doing of which there was no lawful authority.

Amendment agreed to; words *struck out* accordingly, and "without lawful authority" *inserted* in their place.

Clause 9 (Proceedings on representation).

On the Motion of MR. RUSSELL GURNEY, several Amendments made.

MR. GLADSTONE, in moving, as an Amendment, in page 5, line 26, to leave out from "provided also" to "representation" in line 43, inclusive, said, he was about to ask the House to reconsider a judgment at which, on a recent sitting, it had arrived after a very short discussion in Committee, and, as he thought, without the extreme gravity of the matter involved in that judgment really being perceived. He must, however, apologize to the House for not having been present himself on that occasion, as a very urgent private matter had required him to be elsewhere. He had made an offering in the cause of peace, and he trusted that the Bill would advance with very little further discus-

sion after the Amendments in the 9th clause; but he had not the slightest idea that any change would be made which would involve matters of such importance, and really destroy the balance of the Bill. He made that statement on public grounds, and without the slightest reproach to anyone, and hoped his observations would not savour of the spirit of controversy. He wished to obtain the calm attention of the House to the subject, and to appeal to the Government to consider whether the general principles of equity did not require the Amendment which he would propose—namely, that they should revert to the form of the clause as it stood before the alteration was made in it that was suggested by the hon. Member for North-East Lancashire (Mr. Holt), which provided for what was called an appeal, but what was really no appeal at all, but only a reference to the Archbishop, and which invested the Archbishop with an original jurisdiction to institute suits, or allow them to be instituted, in a diocese not his own. That, he contended, was unequal, impolitic, and contrary to the principles of our law with regard to episcopal and archiepiscopal powers, and, if fit to be done at all, it was wrong to propose such a fundamental change on the 28th July, and without giving the clergy an opportunity of considering it. In discussing the matter, the House must cast aside all thought as to particular persons, or whether certain individuals were more trustworthy than other individuals; they must discuss the question entirely in the abstract, without the smallest supposition that anybody was likely to act otherwise than according to his best convictions and his sense of duty. When the matter was previously discussed in the House, he was glad to observe that those legal authorities to whom the House naturally looked on all important points of ecclesiastical law voted in the minority. He alluded to the Attorney General for England, and still more to the right hon. and learned Gentleman the Attorney General for Ireland, because he was the only man belonging to the Anglican community in the House, whom he knew of, whose duty it had been to study ecclesiastical law, and to administer it in the capacity of a Judge. Under the sanction of those high legal authorities, it would not, he hoped, be thought presumptuous if he

endeavoured to draw attention to that subject, and tried to induce the House to revert to the original form of the Bill. In the first place, he said it was not an appeal that had been given. The provision as it originally stood in the Bill was, that the Bishop was to follow a certain course of proceeding, unless he was of opinion that the suit should not proceed; and if the Bishop was of opinion that it should not proceed, he was to enter his reasons for that opinion in the records of his diocese. That was the original form of the Bill; but as it now stood, in consequence of the Amendment of which he complained, the Bill provided that if the Bishop was of opinion that the suit ought not to proceed, the matter should then go to the Archbishop, that the documents should be sent to the Archbishop, who, if he was of opinion that the suit should proceed, was then to send his decision to the Bishop, and the Bishop was thus to become the servant of the Archbishop and the instrument of that decision, and to put the matter forward contrary to his own conviction and exactly as if his conviction was the opposite of what it was. That was not an appeal. An appeal must be open to either party, but that was open to one party only. It was saying to one party—"If the Bishop decides for you, his judgment so far will be final; but if he decides against you, there is somebody else to go to who may reverse his decision." The Committee could hardly have been fully aware of the one-sided character of that proposal when it adopted it. But, secondly, it was not an appeal because the original procedure was not a judicial procedure, and because the Archbishop who was to be called on to reverse the decision of the Bishop would have inferior means of judgment to those which the Bishop possessed. The Bishop in his own diocese ought to know, and, in most cases, did know, the circumstances of the parishes in it; he was in personal relation with those who were connected with those parishes; and therefore, at any rate, he would know where to go to obtain information. It would be impossible to place on record all the information he received, and that record could hardly be more than a summary of his reasons, because it was not merely a complaint and its answer, but he would have to consider all the circumstances of



the case. Neither could he transmit that consideration of all the circumstances of the case to the Archbishop, who would therefore have to try it with means of judgment altogether inferior to those of the Bishop. That was fundamentally at variance with legal principles, for a Court of Appeal must always have all the material accessible to the Court below; and in saying it, he spoke in the presence of the right hon. and learned Gentleman the Attorney General for Ireland, who if he (Mr. Gladstone) were wrong, would correct him. Those were exceedingly strong reasons; but he would give another still stronger. This proposal he did not hesitate to say was at variance with all principles of ecclesiastical law. The relation of Bishops to Metropolitans and of Metropolitans to Suffragans was a matter which had as deep a root in ecclesiastical law and in the history of Christendom as any other question of ecclesiastical law that could be raised; and if alterations of an essential character were to be introduced into those relations, that ought undoubtedly to be done with the utmost deliberation. It seemed to have been thought by the hon. Member who made that proposal, that wherever there was a convenience, or supposed convenience, in putting the Bishop out of the government of his diocese, and putting the Archbishop into the government of it, that might be done. That, however, all the law of Christendom had always forbidden. The regulation of the relations between Metropolitans and Suffragans lay at the very foundation of the structure of an Episcopal Church, and the great canonists had laid it down that the proper function of the Metropolitan was to consecrate the Suffragan, and then to govern him and see that he did his duty; and in the event of the Suffragan refusing or neglecting to do his duty, then in certain cases the Metropolitan was allowed and required to interfere. But nothing was more strictly forbidden by our law, and, indeed, the whole law of Christendom, than the immediate government of the diocese of the Suffragan by his Metropolitan. He was supported in the view he had taken by the learned canonist Van Espen, who maintained that it was only in the case of a breach or neglect of duty—in the case of actual misconduct on the part of the Suffragan—that his Metropolitan could legiti-

mately interfere in the government of his diocese. A breach of duty, however, was one thing, but the exercise of an honest discretion in the discharge of a duty imposed on the Bishop by Parliament was not a breach nor a neglect of duty. That was the principle of the Reformation, and to the principles of the Reformation they were now endeavouring to give effect. The statute of 23 *Henry VIII.*, chap. 9, confirmed that view of the relations between the Metropolitan and his Suffragan. The canon law of the Church and the statute law of England proceeded upon the principle he had laid down, and both were equally clear in maintaining the independence of the Bishops as against the interference of the Metropolitan. The Archbishop had frequently been called in as a restraint to a Bishop—that was a position known to the law. The Archbishop, too, could be called in on behalf of an injured person—as, for instance, on the withdrawal of the licence of a curate—but never to institute a suit. But here was a proposal—for the first time in the history of our law and of the history of the ecclesiastical law of Christendom—to supersede a Bishop in the government of his own diocese on a question he had conscientiously decided. Further, it was a great and cruel hardship that every clergyman who was the object of one of these complaints, besides being examined by his own Bishop—which was quite right—should be subject to a double ordeal, before he knew whether he was to be tried or not. He was, under the Bill, to undergo one examination by his own Bishop, and then, being acquitted, he had to be examined again by the Archbishop, who in the very nature of things could not know so much of the real character of the case. But even if all these things were in the abstract right to be done, as he had said before, they were not right to be done, on the 28th of July, in a Bill which had been four and a-half months before the country, and in regard to which the country long ago believed that its fundamental principles were fixed. If the hon. Member for North-East Lancashire was afraid that some one or more of the Bishops would improperly decline to act when called upon, he must know that there was power to institute the suits in any one of the dioceses, or in the diocese of the Arch-

bishop, if the suitors had more confidence in the Archbishop, than in the Bishop of the diocese. There was no plea either of necessity or expediency in support of a course which would be productive of grievous hardship and great irregularity. He was convinced that in reference to this matter the House was playing with edge-tools, and that the excitement which at one time existed with reference to the Bill would never have calmed, if the proposal to which he was alluding had been included in the Bill as originally drawn. It had, however, done so; but he would warn those hon. Members who supported the proposal that they were playing the game of those whose purposes they did not wish to advance.

And it being now ten minutes to Seven of the clock,

Further Proceeding on Consideration of the Bill, as amended, *adjourned till this day.*

And it being now five minutes to Seven of the clock, the House suspended its sitting.

The House resumed its sitting at Nine of the clock.

#### EXPIRING LAWS CONTINUANCE BILL.

(*Mr. William Henry Smith, The Attorney General.*)

[BILL 201.] CONSIDERATION.

Bill, as amended, *considered.*

Mr. BUTT said, he had availed himself since the adjournment of the House that (Friday) morning at a quarter to 4 o'clock, of the opportunity of consulting with those hon. Friends who usually acted with him, and he was happy to say that he was then able to announce the conclusion at which they had unanimously arrived with reference to the Amendments which had been placed upon the Paper; but before he did so, he hoped the House would bear with him if he adverted to the previous history of the measure before them. The Bill was introduced in the ordinary way as a Continuance Bill, and in that Bill, following, he admitted, the evil precedents of some recent years, were included Acts of very great importance, and among others Coercion Acts, vitally affecting the liberties of the Irish people

His hon. Friends, together with himself, had no reason to suppose that the Bill was not one of the usual measures, which for several years past renewed those Acts as a matter of course, and virtually amounted to their perpetual renewal, and therefore they felt they were bound to make a stand against that system, and they did so. He believed that in doing so they had done service not only to Ireland, but to the general legislation of the House, by directing attention to the evil which was growing gradually up of including Acts of great consequence in an annual renewal Bill. That was the first point they had to assert, and he believed that they had the unanimous approval of public opinion and the opinion of the Press with them, when they said that the system was a vicious one. He was bound to say that in that opinion, Her Majesty's Government cordially, from the very beginning of the discussion, acquiesced, and, therefore, in the first place, he thought he was justified in saying that he believed that vicious system was put an end to altogether, and that, so far, English and Scotch Members would, with the Irish Members on that occasion, admit that that system of continuing Acts in this manner had been terminated, and that Irish Members had established a constitutional principle, for his hon. Friends and himself were, he contended, entitled to take credit that they had been the means of determining that the course which had been followed should not be pursued any longer. In saying so much, he was not to be understood as using the language of triumph, for such language would be most unbecoming in him, believing, as he did, the system to be so vicious as only to require to be noticed by the House to secure immediate reform. There, however, remained the question whether they ought to assent to the renewal of those Acts, and if there were any hon. Members of that House who were disposed to think that he and his hon. Friends had taken a course that might be called factious, he asked their attention to what had occurred. On Saturday last the Bill was put down for a morning sitting. He then made an offer to the effect, that if it were thought there was any danger of those political catastrophes, as they were called, occurring—and he regarded the danger as being very remote indeed—they would consent to the Bill being con-

*Mr. Gladstone*

tinued until September of next year. He regretted that the Government did not accept that offer. The right hon. Gentleman at the head of the Government on that occasion pledged himself that those Acts should not be renewed in a Continuance Bill in the Session of 1875. They did not, however, think that they ought to be satisfied with that assurance, and therefore they prepared themselves to prevent these Acts being made perpetual in the manner proposed. Now, yesterday evening, after the debate had proceeded for some time, and after Amendments had been proposed, a declaration was made on the part of the Government, that they would accede substantially to the course which he had proposed—namely, that the Acts should continue only to the end of 1875. That concession, although not quite all which they had desired, very materially altered their position, and he would only say that some of the Amendments which had been placed on the Paper he would have been glad to press on the attention of the House; but he believed their true and proper course now was to protest, as they would do in one division, against the inclusion of the Peace Preservation Act in that renewal Bill, and then leave to the Government the responsibility of dealing with the matter. It must rest with the Government, in prolonging the existence of those measures for a certain period, to decide whether any amendment in them should be made or not. He would first, however, observe that in 1856 an Act was passed regulating friendly societies in Ireland. In the Bill that Act was omitted, and consequently all those societies in Ireland would be illegal. He wished to point that out to the right hon. and learned Gentleman the Attorney General for Ireland, and leave the protection of those societies to him. But on one clause of the Bill they must take a division. He was now expressing the unanimous resolution of those hon. Friends with whom he was in the habit of acting in that House, and with whom, he rejoiced to say, there had been few occasions on which he had had a difference of opinion. They had determined, after the concession made by the Government, and after achieving the triumph of the principle for which they had contended, not to occupy further the time of the House with the discussion of any of the details of the Bill. They

could not, however, in consistency or in accordance with self-respect, consent to the renewal of that Act till the winter months of next year. They divided upon that yesterday. They would divide now in a somewhat different form, and propose that they should expire at the end of the next Session of Parliament, as originally proposed by the Acts themselves. It should be remembered that the Westmeath Act would expire at the end of June next, and that, he contended, was a declaration of Parliament, that the whole of these Acts should be reviewed early in the Session of Parliament. They therefore proposed that all these Acts should expire at the end of next Session; and by doing so, they did nothing more than ensure an early discussion upon the question of their renewal, but he hoped they would never be renewed. They, however, intended to divide the House, as he had said, upon one Amendment, and they would throw upon the Government the responsibility of continuing the Act to which it referred. He wished to make an earnest appeal to the Government. They had heard a great deal in those discussions of the responsibility of the Government. He admitted fully that responsibility. The Advisers of the Crown were bound to ask for Her Majesty any powers that were necessary for the protection of life and property. But there was another and a deeper responsibility that rested on men in his position in that House. He would never advise the Government to forego those Acts, if he did not believe it was right and just, and for the interests of peace and order in Ireland to do so; and that was also the feeling of his hon. Friends. Some of them had large possessions in land, and others in mercantile establishments in Ireland, while all of them had an interest in the security of their homes; and, as representing the immense majority of the Irish people, they told the Government that they did not need those Acts to secure the ascendancy of the law in their country. He, for one, believed that the Common Law, firmly and vigorously administered, was sufficient to secure the tranquillity of Ireland. He had faith in the grand old Common Law, with that elasticity which enabled it to meet every new danger that arose; and he believed that those Coercion Acts were the resource—he did not say it offensively to

the present occupants of office—of a weak and incapable Government. Ireland had been handed over to the present Ministry in a state of tranquillity. It might be said that was the result of those Coercion Acts; but it was not so. Did anybody believe that the Act which disarmed the people of Limerick was the reason why there had been two maiden assizes in that part of the country? If he were speaking in an Irish Assembly, he knew what the response would be. In a greater degree than to any Coercion Acts, the tranquillity of Ireland was due to the efforts of those who, in the face of considerable obloquy, had preached the doctrine that it was not to unconstitutional courses or to secret societies, but to constitutional agitation and discussion in that House, that they were to look for the redress of grievances. He, therefore, asked the Government to pay more attention to what the Irish Members said than to the declarations of stipendiary magistrates and police constables, many of whom, from the tendency of their offices, would revive the Coercion Acts to save themselves the trouble of a vigorous administration of the ordinary law, and to take a course which he believed in his conscience, was more consistent with their own dignity and with the welfare of the Empire. Neither he nor his hon. Friends would offer any further opposition, except to the renewal of the Peace Preservation Act, 1870. His hon. Friends and himself were prepared to take an independent course. He would not say that they were prepared to support the present Government; but they were just as averse from offering opposition to the present Ministers as they would be from offering opposition to right hon. Gentlemen on his own side, if they returned to office. They wished to deal with every Government as it dealt with their country. They knew no party there except the party of their country; and if that Government would only abandon the old policy of repression which sometimes stifled crime, but never effectually stamped it out; if they would give them equality with England, equality in their municipal institutions, equality in their franchise, equality in all respects before the law, that was all they wanted, and he was sure the House would find Ireland would not be backward in evincing the gratitude that would be

due from such a course of conduct being pursued.

MR. DISRAELI: I have pleasure. Sir, in admitting that the hon. and learned Gentleman has addressed the House in a fair and moderate speech, and also that it is not the first fair and moderate speech which he has made on public affairs. I am sure that the hon. and learned Gentleman and his Friends, if they did not advance their peculiar views, would obtain for them an impartial consideration, if they adopted that tone always in this House. Now, the hon. and learned Gentleman has objected to two things—first of all, to Continuance Acts; and, secondly, to Coercion Acts. What I complain of is that, whatever may be the opinions of the hon. and learned Gentleman and his Friends, it is extremely unfair to make their opinions upon those two questions a ground for any attack upon Her Majesty's Government, or any foundation for the embarrassment of Public Business at the present moment. Now, with regard to Continuance Bills, I am not prepared to say that there are not circumstances in which such Bills may not be necessary, and probably we shall never have a Session of Parliament in which some recourse to such instruments may not be required. But that in Continuance Bills it is extremely desirable Acts should not be included which touch some vital interests of the nation, I am perfectly ready to admit. Whatever may be one's opinion upon the necessity of legislation of that kind, all will, I think, agree that the policy which those Bills express and enjoin ought to be brought forward in a manner more open and direct than can be done by a Continuance Bill; and, as a general rule, the introduction of Acts such as those to which the hon. and learned Gentleman has referred in a Continuance Bill is to be deprecated. These are not new opinions of my own, nor of the party with which I am connected. It is a fact which cannot be denied, that the very grievance of which the hon. and learned Gentleman and his Friends now so loudly and strenuously complain, was first brought under the notice of the other House of Parliament by noble Lords who are my Colleagues, and I have always agreed with them upon that matter. But what I do complain of is, that the question has been taken up at the end of the

Session, and worked and turned as it has been against the present Government, who could take no other line upon this subject. We have been upon these benches now for some time, and the hon. and learned Gentleman and his Friends, though they made many demands, intimated many requests, and occasionally made many complaints, never alluded to these particular Bills. My right hon. Friend the Secretary to the Lord Lieutenant, when he first paid a visit to Ireland, was very anxious to know the subject which particularly interested the Irish people, and those Members of Parliament who arrogate to themselves, and not altogether with injustice, the peculiar privilege of representing an important portion of the Irish nation. And what was their recommendation? They said—"What we complain of is the unruly character of the River Shannon. The River Shannon is a stream of so turbulent a character that unless the English Government are qualified in their Ministerial capacity to cope with it, there is an argument in favour of Home Rule." ["Oh, oh!"] The hon. Gentleman who cries "Oh!" is probably the very man who hissed the hon. and learned Member for Limerick last night. But what are the facts? Her Majesty's Government, though having the conduct of public affairs during this Session, have really had it during a Session curtailed of one-third of its usual duration. It was only after Easter that Business really commenced in this House, and therefore it was quite impossible, in dealing with those matters which imperatively demanded our attention, that we could reform this system of Continuance Bills, which would be no easy nut to crack in any Session. However, I have already expressed my opinion upon that subject. I think it is in every way to be deprecated that Acts such as those to which the hon. and learned Gentleman has called our attention should be included in Continuance Bills, and, so far as we are concerned, they will not be included again. The hon. and learned Gentleman said the other night that my assurance on that head, though it was not altogether to be disregarded, was one in which too much confidence should not be placed, because events might occur which might prevent myself and my Colleagues from remaining in that responsible position which

we at present occupy. Well, upon that subject I give no opinion. But that intimation was perfectly inconsistent with the assurance which the hon. and learned Gentleman and his Friends are now perpetually giving us, that there is no chance whatever of what they call "a political catastrophe" next Session. What I want to impress upon the hon. and learned Gentleman and his Friends is this—that when we urge the necessity, or rather the expediency, of a term of some months longer being allowed to this Continuance Bill than the hon. and learned Gentleman has proposed, it is a great mistake to assume that the only circumstance which can occasion the meeting of an autumnal Parliament is what the hon. and learned Gentleman calls "a political catastrophe." We have had a great many November sittings in my time, and very rarely occasioned by "political catastrophes." On the contrary, they have been occasioned by the action of the Bank Act in more than one instance. They have been occasioned, too, and may be occasioned again by circumstances involving questions of peace or war. It is not merely by a political catastrophe, a Dissolution of Parliament, or a change of Ministry that an autumnal Session is occasioned; and therefore, when we have the possibility of vicissitudes to encounter, it is certainly an act of prudence to provide that at the very moment when Parliament has to deal with these questions, we may have ample time to consider what we have to do. Now, leaving the question of Continuance Acts, I come to the much greater question of Coercion Acts. The hon. and learned Gentleman has, I will not say pressed the Government for an expression of their policy on that subject, but he has very frankly announced that the time will come and is not far distant when we must, of course, express our opinions on the matter. When the time comes we shall express our opinion. We shall take a just and complete view of the circumstances of Ireland, and if it be our duty to our Sovereign to recommend that that system of policy, which is described by the name of Coercion Acts, should, in our opinion, not be repeated, there could be no public men more happy than we should be in making that announcement. But, at the same time, let not the hon. and

learned Gentleman for a moment suppose that to obtain a passing popularity either with him, his Friends, or any other body of men, we will conceal our opinion from our Sovereign. Whatever we believe to be necessary for the general welfare of the country, that we shall be prepared to propose, and upon the opinion of this House the fate of that policy will depend. I have again to acknowledge the becoming manner in which the hon. and learned Gentleman under circumstances, I freely admit, of some difficulty, has conducted himself throughout this discussion. He has shown a proper sense of the dignity of the House and his own position as a not undistinguished Member of this House, and I trust that the general spirit which his conduct has elicited may not be a useless lesson to those who have not so much experience as the hon. and learned Gentleman.

Mr. BUTT said, he wished to say a word in explanation of a matter somewhat personal. When the right hon. Gentleman said that when the Secretary to the Lord Lieutenant went to Ireland, the only complaint made to him was about the River Shannon, he (Mr. Butt) must remind the right hon. Gentleman that the second night of the Session he moved an Amendment to the Address, complaining of the operation of these very Coercion Acts, and in it, he made no allusion whatever to the unruliness of the River Shannon, which like a great many other instances of unruliness, was to be attributed to the mistakes of English officials.

Mr. CALLAN said, he had given Notice of an Amendment to extend the right of carrying arms to certain classes of persons who did not at present enjoy it, but he would not press the Motion, unless the Government accepted it.

Mr. MCCARTHY DOWNING, in moving as an Amendment, in Schedule 14, page 3, column 1, to except "19 and 20 Vic., c. 36. Preservation of the Peace, Ireland," said, he and his Friends were bound to enter their protest against the Act, but it was the last division they would have on the Bill.

#### Amendment proposed,

In page 3, column 1 of the Schedule, line 46, to leave out the words "19 and 20 Vic. c. 36. Preservation of the Peace, Ireland."—(Mr. Downing.)

*Mr. Disraeli*

Question put, "That the words proposed to be left out stand part of the Bill."

The House divided:—Ayes 137; Noes 56: Majority 81.

Bill to be read the third time upon Monday next.

#### PUBLIC WORSHIP REGULATION

BILL.—[Lords].—[BILL 236.]

(Mr. Russell Gurney.)

#### CONSIDERATION.

Further Proceeding on Consideration, as amended, resumed.

Mr. GLADSTONE said, that having begun his speech at an unseasonable time, he was compelled to sit down before completing it. He had, however, nearly concluded all he had to say, and would only trouble the House with a few remarks indicating the exact character of the Amendment which he proposed. He had ventured to lay down these propositions—that the Amendment hastily introduced into the Bill did not give the right of appeal at all; in the second place, that the eminent person who was to be called on to review and reverse the judgment of the Bishop was a person who must necessarily approach the case with a far inferior knowledge and means of information, because although it was the duty of the Bishop to know all the parishes in his diocese, it was impossible for the Archbishop to know every parish within his province. Thirdly, he ventured to point out that the giving the Archbishop original jurisdiction was totally contrary to the principles of the Episcopal Church. In the fourth place, he said that it was a great hardship upon the clergy to be subjected to double instead of single ordeal, preparatory to trial; and lastly, he urged that even if all these things were fit to be done, they were unfit to be done on the 28th of July, and unfit to be maintained on the 31st of July, for he solemnly believed that at the very moment when he was making that last appeal to the equity of the House of Commons, that more than one half the clergy of the Church of England who would be personally affected by the Amendment were not aware of that which the House was voting. In doing so, he had, he hoped, redeemed the pledge he had given, and

thought he had neither reproached nor censured any one. It was all very well to talk of the information disseminated by the Press, but its filtration into country parsonages was not always so extensive as some hon. Gentlemen seemed to suppose. For his own part, he had never thought that the basis of the Bill was wise, because, in his opinion, it inclined too much towards the undesirable object of abstract uniformity, which, if it were to be the ideal of the Legislature, might well recall the image of Harley Street or Eaton Place. He, however, was of opinion that the Bill did not go far enough to protect congregations against legal innovations. Although admitting there was a case for legislation, and perceiving the feeling of the House on the subject, he had not deemed it desirable to press his views upon its attention. He saw no advantage to the Church or to the country in the prolongation of an angry debate. Such a result, he did not care who won, it could have only one tendency—the unsettlement of existing fundamental relations. That was his fixed conviction, acting on which he was willing to allow much to go forward of which he did not approve; for he believed that the excitement of conflict would be a greater evil than that which would follow legislation, if it were only founded upon some regard to what was equitable. He felt satisfied, however, that his main propositions could not be overthrown, and that if the proposal in the Bill were persevered in the renewal of difficulties in respect to it in “another place” might be anticipated. He looked forward to the most formidable and lasting consequences from a proposal which had been so hastily introduced, and which he believed to be so full of injustice. He most earnestly, therefore, wished to impress on the House his deep sense of the importance of the course which he invited it to adopt, especially to some of the clergy, in whose case, perhaps, he had no individual reasons for gratitude or regard. For that, however, he did not care one rush. All he aimed at was justice—the only true and noble object which a man could hold up to his view, and in that name he placed his Amendment before them. The right hon. Gentleman concluded by moving the Amendment of which he had given Notice.

Amendment proposed, in page 5, line 26, to leave out from the words “Provided also,” to the word “representation, in line 43, inclusive.”—(*Mr. Gladstone.*)

Mr. HOLT said, that as he was the author of the particular clause in the Bill to which the right hon. Gentleman had taken exception, it was right he should briefly state why he advocated the clause. As to the clause not being equitable, because the parties could not be heard before the Archbishop, he would call attention to the fact that parties could not be heard before the Bishop. The only question which a Bishop would have to decide was whether he would allow the charge to be brought, and the Archbishop had simply to express an opinion as to whether the reasons given by the Bishop were sound or unsound. He also contended that the Archbishop would have before him to aid him in coming to a right decision all the information which a Bishop could command. It required, in his opinion, no very intimate knowledge of a diocese to be able to ascertain whether the law had or had not been broken, and what was required was that the Archbishop should have a power of review. There was nothing unconstitutional in that. In our judicial procedure grand juries had the power of reviewing the decision of the Justices. He ventured to think that a case in point, for here the question was decided, without the accused being present. He would not go into questions of ecclesiastical law; but they all knew that an Archbishop had a certain control over the Bishops of his Province, that there was an appeal from the Bishop's Court to the Court of the Archbishop, and that, as the right hon. Gentleman had acknowledged, the Archbishop had a certain power of restraint over the action of the Bishops. It was admitted that he had such a power in regard to curates, in order that justice might better be done to the curates. Well, it was now intended by that clause that this power should be intrusted to the Archbishop, in order that justice might better be done to parishioners. The right hon. Gentleman (*Mr. Gladstone*) had just told the House that “in the event of the Suffragan refusing or neglecting to do his duty the Metropolitan was not only allowed but required, by

ecclesiastical law, to interfere." In the present instance when a Bishop did not allow a complaint from the parishioners to go before the Judge, there would be an appeal to the Archbishop, that he might examine into the case and express his opinion whether or not there had been any neglect or misconduct on the part of the Suffragan in refusing to let the complaint be tried. With every respect for those who had given their minds to the study of the Canon Law, he hoped the day was far distant when the judgment of that House would be swayed by a reference to Canon Law. The object of that Bill was to secure uniformity of practice and obedience to the law in all the dioceses of England, but according to the doctrine of the right hon. Gentleman, the clergy were to do pretty much what they liked. That was no doubt in accordance with the policy shadowed out in the celebrated Six Resolutions of the right hon. Gentleman. They made no mistake when they said the right hon. Gentleman was in favour of privileged Non-conformity. As to that being an unfit clause to pass late in July, if it was a proper thing to discuss that Bill, at all, late in July, it was equally proper to introduce Amendments which were essential to the well-working of the measure. In reference to the clergy being unaware of what was being done, he might observe that they had a most excellent Press, through which all their proceedings were communicated to the country far and wide. The clergy, as a matter of fact, were not ignorant of the proceedings in Parliament, for he had himself received a letter from a clergyman of some eminence thanking him warmly for proposing the Amendment under discussion. The question really was, whether the Bishop ought or ought not to have an absolute veto on the commencement of proceedings; and the strongest argument in support of the clause was supplied by the right hon. Gentleman in a former debate, when he told them there were indiscreet Bishops. He did not wish to give an indiscreet Bishop an unfettered licence. He only wished, in the event of the Bishop deciding against the feelings of the parishioners complaining, that his opinion should be submitted to the review of the Archbishop, with a view both to secure general uniformity, and also

to protect the parishioners against individual caprice. That provision was adopted in Committee by a majority of something like three to one, and he trusted that the House would now support its own decision.

MR. GATHORNE HARDY said, he thought the speech to which they had just listened showed how extremes met. The hon. Member argued that there was an indiscretion in Bishops which required to be controlled, and that there was none in Archbishops, who, therefore, did not require control. The hon. Gentleman told them there might be an indiscreet Bishop, and that it was requisite to have some one over him; and there was to be no one over the Archbishop, because it was to be presumed that the Archbishop was infallible. No doubt, out of the whole body of Bishops appointed, there might be some who were indiscreet; but, with the highest respect for Archbishops, he ventured to say they were not always absolutely discreet or infallible; and when the hon. Member proposed that the decision of a Bishop should be reviewed by a person who they had no right to suppose would be more discreet than the Bishop, he was both setting up the infallibility of two Popes instead of one, and at the same time laying down a law hitherto entirely unrecognized in the Church of England. He was attempting to make the two Archbishops odious by converting them into the public prosecutors of the Kingdom. ["No, no!"] What were they to be then? That was not an appeal, but a case in which the discretion of one man was to be overruled by the discretion of another, not in the sense of relieving harshness or injustice, but for the institution of a prosecution. If it were a question of law, he could understand their referring it to another tribunal; but it was a question of simple discretion, not of law. Where the Bishop said a prosecution ought not to be instituted, his opinion was to be reviewed by his Archbishop, a person, in all probability, no more discreet than his Suffragan; and if the Archbishop said there was to be a prosecution, the unfortunate Suffragan was to be compelled to take all the steps in the prosecution which he had himself refused to sanction. That was a perfectly novel proceeding in the whole history of the country. He regretted that he was not



present when that question was previously discussed. He came in at the division, and he thought that provision one of the harshest ever introduced into any Bill. The hon. Gentleman wanted to obtain perfect uniformity throughout the Kingdom; but the fact of the law being set in motion by the Archbishop would not produce uniformity in all their different dioceses. Uniformity would not be secured by the action of the Archbishops, but through the decisions of the Judge. He wished to know whether the hon. Member had consulted the Archbishops as to the power which he sought to confer upon them, or the Bishops as to whether they would consent to such power being exercised over them? The Bishops were bound to their Metropolitan under certain terms and conditions. Did they ever suppose that in matters left to their discretion, they were to be overruled simply by the discretion of the Archbishop, and not by the opinion of a Court that they were wrong in point of law? They had first refused to make the Bishops subject to the Bill, like the rest of the clergy, and now they turned round on them and said that if they exercised the discretion vested in them in accordance with the feelings of the parishioners, and not in accordance with their own consciences and their sense of duty, they would not interfere with them. But was it supposed that they would always have two Archbishops who would not be guided by their own sense of duty or their own discretion, but by popular feelings? [*Murmurs.*] That was what the hon. Member (Mr. Holt) said. ["No, no!"] At all events, the effect of what the hon. Gentleman said was, that they could not leave it to the discretion of the Bishop to overrule the wish of the parishioners, but they would refer the matter to the Archbishop, in order that he might set up the will of the parishioners. In conclusion, he called upon those who supported the clause to say whether they had any authority from the Archbishops to ask for a jurisdiction which had never been given to them before.

SIR WILLIAM HARCOURT said, the right hon. Gentleman who had just sat down had told them that on that question extremes met—an observation which he thought exceedingly well founded, for on that subject extremes did meet, and the Motion of the right hon. Member for

Greenwich was supported by the Secretary of State for War and the Member for the University of Oxford. They were informed the other day at the Mansion House, that that Bill was one for which Her Majesty's Government were morally responsible, and up to that point the Government, under the lead of the Prime Minister, had given an unmistakable support to the principles of the Bill brought forward by the right hon. and learned Recorder on grounds which were perfectly intelligible—namely, that they intended to rally the English people on the broad platform of the Reformation. The aspect of the Bill had changed that evening. The Prime Minister was absent, and the conduct of the Bill was left in charge of the Secretary of State for War, who was no friend of the measure, but had, on the contrary, declared against it from the first. That right hon. Gentleman was the close ally on the present occasion of his right hon. Friend the Member for Greenwich, who had moved a critical Amendment in the Bill. Those right hon. Gentlemen agreed in their conclusions, and in the principles from which those conclusions were drawn. What were the reasons alleged against a conclusion solemnly arrived at in Committee upon the Bill, and for which, if he recollected right, the Prime Minister voted? Over and over again, in the progress of the Bill, he had seen the Prime Minister walk into one Lobby, and the Secretary for War into the other. And, now, his right hon. Friend the Member for the University of Oxford, representing the Government, came forward in support of an Amendment which would, if carried, destroy the whole spirit of the Bill. Did the House suppose that his right hon. Friend the Member for Greenwich had come back that day for any other object than, if possible, at the last moment, to wreck the Bill? or, that the Secretary for War, who said nothing upon the Bill in Committee, had derived courage from any other circumstance than that his Predecessor in the Representation of the University of Oxford had come forward to propose his Amendment? What were the grounds on which they were invited to overthrow the Resolution of the Committee? They were told that the Resolution could not be accepted because it was contrary to the opinion of

the Canonists of Christendom. But the canonists of Christendom were not the authorities by which for the last 300 years the House of Commons had been governed in its legislation. The principles of the Reformation and the Constitution of this country had been founded upon a repudiation of the doctrines of the Canonists, which had been solemnly read at the Table of the House that evening. The head-quarters of the Canon Law were not at Westminster. The Canon Law of Christendom was fulminated from the Vatican. It was the law of Ultramontaniam, and was adverse to the principle of a National Church in every country of Europe. It was the law which, in order to found the Reformation, it was necessary to repudiate. Five minutes ago he took from the Table of the House the statute upon which the Reformation and the Constitution of this country was founded. It was the statute of the submission of the clergy; and the condition of the submission was—

"That they, the said clergy, nor any of them from henceforth shall presume to attempt to allege claims or put in force any constitution or ordinances, provincial or synodal, or any other canon; nor shall they enact, promulge, or execute any such canons, constitutions, or ordinances provincial."

He would venture to say that from 1533 the Constitution of the Church and State of this country had depended upon the repudiation of the Canon Law, as controlling either the authority of Parliament or the principles of the Canon Law. The laity of England had repudiated the Canon Law from a much earlier time. It was the repudiation of this law which gave rise to the celebrated declaration of those who represented the country gentlemen of England in those days—*Nolumus leges Angliæ mutari*. Therefore, when he heard alleged in the House of Commons the doctrine of a Canonist, with whose name he was happy to say he was entirely unacquainted. [Mr. GLADSTONE: Hear, hear!] His right hon. Friend might say "Hear, hear;" but he should be utterly ashamed of the profession of the Common Law, if he did not make the declaration. To hear a Canonist quoted as an authority against the legislation of Parliament was enough to make the bones of Lord Coke turn in his grave. And, when he was told that the relations between the Bishops and the Archbishops

were to be governed by the opinion of Van Espen or of any other Canonist, he said, he would not recognize the authority of any such opinion. The relations of the Bishops and Archbishops were to be governed upon due and proper consideration of the law of the Queen, Lords, and Commons of England. Unless the House of Commons had very much changed, it would not be swayed by the opinion, whether expressed in Latin or any other language, of the Canonists of Christendom, but it would consider what was to the advantage of the Church and the State, and these were subjects which they were perfectly competent to discuss in the vulgar tongue. He would therefore ask, what it was expedient to do with reference to this matter—a very practical question. They had passed almost to its latest stage, a Bill which provided that the statute law of England should be put in force in relation to the Church, and the machinery provided was, that certain persons should be entitled to complain if the law was not observed, such persons to complain to the Bishops, who, in the first place, were to put the law in operation. But in discussing these ecclesiastical questions considerations were admitted which would not be admitted in discussing any other subjects. For instance, soon after the meeting of the last Parliament the right hon. Gentleman the Member for the University of Cambridge having introduced arguments drawn from the Canon Law and similar sources, the right hon. Gentleman the Member for Birmingham, in that fine masculine Saxon of which he was so perfect a master, swept away the cobwebs, and said—"Let us have done with this ecclesiastical rubbish." He (Sir William Harcourt) thought that on the present occasion they might sweep away the Canon Law in the same way. The Bill provided that the Bishops were to be the persons to decide what was to be done upon complaints presented to them; and *primâ facie* it would be supposed the person to whom complaint was made would say—"Let us remit the matter to the consideration of a Judge." But the House had introduced the question of the discretion of the Bishops, and this he held to be a very dangerous principle; but he was willing that it should be tried as an experiment. The hon. Member for West Kent the other evening said that what he wanted was

*Sir William Harcourt*

fair play, and that that would be attained by having High Church and Low Church Bishops whose decisions could be put one against the other. He did not think that was the view of the majority of the House, who would probably above all things desire to prevent the state of things so much admired by the hon. Member. The House did not desire that the Bishops of the last five years should pronounce decisions exactly opposite to those pronounced by their predecessors of five or ten years before. They thought that it would be for the advantage of the nation and of the Church that there should be some single, at all events, some authority which would give unity to the practice of the Judge. Well, he had referred, when they were in Committee, to the fact that a Bishop had presented a Petition to Convocation, in which the petitioners stated that they did not consider the decision of the Judicial Committee of the Privy Council binding. What would such a Bishop be likely to do, if he were asked to sanction proceedings under this Bill? Would he not say that he considered the Bill was not a good Bill, and that he must, therefore, decline, so far as he was concerned, to allow it to be put in operation? Such a thing was possible, he even thought it was probable, and he preferred to have two chances rather than one for the enforcement of the law. But then it was said that this was a one-sided affair. He could not concur in that view. If the Bishop determined that the law should be enforced, he entirely agreed that his decision should not be appealed against; but if a Bishop said he would not allow the law to be enforced, then the case would be entirely different, and in that case a double opinion would be extremely valuable. The presumption should be in favour of the law, and the question now under discussion should be decided not upon the opinion of Canonists, but by the judgment and common sense of that House. They should remember that it was not the Archbishop who was to determine the case; the only thing the Archbishop was to be asked was—should the particular case, the subject of the appeal, go to the Judge? He thought the House would virtually say by its decision that it was not desirable that of 27 dioceses in England 25 should say—"Let the law be enforced," and that two should say—"The law is a bad

law, and shall not be enforced." The question was a practical one, and he hoped the House would determine it upon its own authority, and without reference to the Ecclesiastical Law of Christendom, or any more limited portion of that large denomination, as the Committee had already by a large majority decided.

MR. ASSHETON CROSS said, the speech of his hon. and learned Friend might be divided into three portions. In the first part he had good-humouredly referred to the differences which existed on this question between the right hon. Gentleman at the head of the Government and his right hon. Friend the Secretary of State for War, and speaking of the absence of the right hon. Gentleman at the head of the Government, had said that the right hon. Gentleman the Secretary of State for War had assumed the leadership of the House and had gone against the Bill. It was quite clear, however, that the first part of his hon. and learned Friend's speech was answered by the second, which was, and was intended to be, a manifesto against the course taken in reference to the Bill by the late Prime Minister, and a direct challenge to the opinions which that right hon. Gentleman had put forth. If there was any reproach, therefore, arising from the differences of opinion which prevailed, that reproach applied to the bench opposite as well as to the Treasury Bench. In the second part of his hon. and learned Friend's speech, the vast majority of the House concurred, and he confessed that he was among the majority. The clergy of the Church of England had accepted their benefices upon the express condition that they should conform to the law of that Church as accepted by the nation and by the Parliament of England. He quite concurred with his hon. and learned Friend that the obligation they were under to perform these services according to law was binding and supreme, and further that they were not only not to break the law themselves, but that they were bound to set an example to others of obedience to the law. With respect to the third part of the speech, they might dismiss altogether the hostility and animosity of his hon. and learned Friend to the policy of the late Prime Minister. It was a practical question, and one which had nothing to do with Canon Law. The

question was—Was the law to be enforced? On that subject they were, he hoped, all agreed. How then—and this was the point for consideration and decision—was it to be enforced? For his part he was bound to say he thought the House would exercise a wise discretion in leaving the matter, in the first place, in the hands of the Bishop. He never heard of an appeal being given, except in very rare cases, from one Court to another on questions of mere discretion; but if any such appeal were to be given at all, it should be given whichever way the decision of the Bishop went. The proposal was to give an appeal from the discretion of one man to another. He doubted if there was much difference in social position between an Archbishop and a Bishop, although it might be said that the men who filled the office of Archbishop, being more carefully selected than those who filled the office of Bishop, were better qualified to give an opinion on a matter of discretion than their Suffragans. But the fact was, that while there were only two Archbishops there were 27 or 28 Bishops; and there was less chance of permanent injury being done by the larger number of men, who would check and control each other's opinions, than by the decision of one or two men whose opinion was uncontrolled in any way, and who might be High Church, Low Church, or Broad Church, as chance might determine. He had supported this Bill throughout, believing it to be a wise and beneficial measure; and he did not think that this question was of the importance which the hon. and learned Member for Oxford had attached to it. The question had been asked on the other side of the House, whether the Archbishops had been consulted on this matter, and he thought that that question ought to be answered. He had had the opportunity of ascertaining the opinion of both the Archbishops on this question, and he was authorized by them to state that their deliberate opinion was decidedly against the Amendment made in Committee.

Mr. E. J. REED said, that the question before them was a very simple one, and one that they might come to a vote upon without further discussion. It was, whether the Bishop, being authorized to put the law into motion, they should allow him to refuse to put the law in

motion. He was of opinion that there ought to be an appeal from the decision of the Bishop to the Archbishop.

THE ATTORNEY GENERAL for IRELAND (Dr. BALL) said, he was in favour of striking out the Amendment which had been introduced into the Bill in Committee. Under that Amendment an appeal was to be given in favour of the prosecution, while it was to be withheld from the defendant if the decision were adverse to him. That was a principle totally the reverse of that which existed in the analogous cases of an Information by the Attorney General, the proceedings in a prosecution, or the office of the Judge promoted in ecclesiastical matters. He also opposed the Amendment inserted in the Committee, because it was unwise to place any Judge in such a position as that proposed by the Amendment. It would be a most dangerous principle to lay down that if the Bishop decided one way he would be safe from appeal; but that if he decided the reverse he would be exposed to reproof, and his decision might be reversed by a superior authority. Under the present law, if a Bishop refused to promote the office, &c., there was no appeal to the Archbishop. It was doubtful whether in such a case the Queen's Bench had power to issue a *mandamus*, but if it had, why change the law in this instance? If one Bishop was of opinion that the point raised was one in which no prosecution should take place, it was undesirable on a question of absolute and pure discretion to subject him to direct collision with another Bishop, although he might have the word "Arch" before his name. If there was to be an appeal it should be given on both sides, and not confined to one. He had heard an Appellate Judge say that he could not take upon himself to reverse the judgment of a single Judge in a matter of pure discretion, although had the case come before him in the first instance, he would probably have decided differently. Why, then, was the collision invited which the present clause was calculated to produce? As the Bill originally stood, an appeal was not given Archbishop, and he, for the peace of the Church promoted by leaving it down from the House there was not the:

an appeal was a cardinal point of the measure. It was by embarking on propositions which were new to the law of England that the Bill would, in his opinion, be endangered, for then public opinion would come to the conclusion that the question had not been dealt with in a judicial spirit. He should therefore vote against the clause, as he had done before.

Mr. RUSSELL GURNEY, having observed that he had on a former occasion stated that there had been some delay in the business of the Archbishops in consequence of the Dean of Arches occupying another office, said, he had received a communication from the Judge of the Court of Admiralty to the effect that, although he had had a great amount of work to get through in that Court, he did not allow it to cause any delay in the proceedings in the Court of Arches. As to the clause under discussion, he must confess that he did not attach to it so much importance as appeared to be given either on one side or the other. It was not in the original Bill; but yet, there could be no doubt that it had been supported by a very large majority. As he had before said, he had perfect confidence in the discretion of the Bishop; but he could not at the same time see that any evil was likely to arise if an Appeal were given to the Archbishop. It was contended, he might add, that such an appeal was unprecedented, but under the 1st and 2nd Vic. there were a number of cases such, for instance, as that of non-residence—in which a Bishop exercised his discretion, and in which an appeal was from him to the Archbishop.

Mr. MONK said, he rose simply to draw the attention of the House to the liberty with respect to the exercise of the discretion of the Bishop, in which it was set forth that in cases of doubt the Bishops doubting should resort to the Bishop of the diocese, who, in his discretion, should take steps for quelling and removing the same, and that if the Bishop should be in doubt, then he

had thought, but merely of discretion, there ought to be no appeal.

Mr. NEWDEGATE said, that inasmuch as these proceedings would rest on facts and not on law, it would be most dangerous to allow a Bishop to establish in his own diocese a rule adverse to the operation of this measure, which he could do by aggregating a number of cases which he would not allow to be tried. It had been said that the Bishop did not pronounce judgment; but he did so, in fact, when he refused access to the Court. But he (Mr. Newdegate) could not conceive a power that ought to be more emphatically subjected to an appeal than that put into the hands of the Bishop by the Bill; and that appeal ought to lie with the Archbishop. It was of the very essence of the Bill that there should be a facility of procedure, and if the House entrusted to anyone the power of defeating that principle, it ought to be only to the highest authority in the Church. There was great diversity of opinion among the Bishops, and was it the object of the House to allow one practice to be established in one diocese and another in another? They all knew that the right hon. Member for Greenwich desired all kinds of diversities in the Church, and was entirely opposed to the principle of the Bill. But the House desired to enforce all reasonable uniformity. The right hon. Gentleman was endeavouring to defeat the Bill in every way; but he would appeal to every consistent supporter of the principle of the Bill to vote in favour of giving this power to the Archbishop.

SIR HENRY DRUMMOND WOLFE said, he would like to ask his hon. and learned Friend the Member for Oxford, if the clause were to be carried out, what would be the case in the dioceses of Canterbury and York, where the Archbishops and the Bishops were the same persons?

#### Question put,

"That the words 'Provided also, That if such bishop shall be of opinion that proceedings should not be taken on any representation, it shall be lawful for the person making such representation to cause notice to be served on such bishop (which notice may be served by depositing the same in the registry of the diocese), and also on the person complained of, it is his intention to appeal against the decision of such bishop to the archbishop of the diocese within which such diocese is situate;

and thereupon such bishop shall cause, stand part of the Bill."

The House *divided*:—Ayes 118; Noes 95: Majority 23.

Clause 13 (Inhibition of incumbent).

MR. RAIKES proposed, as an Amendment, in page 8, line 9, to leave out the words "gratuitously, with the exception of stamp duties," in order to insert the words, "if unopposed, on payment of such a fee not exceeding two guineas as shall be prescribed by the Rules and Orders."

SIR WILLIAM HARCOURT thought the Amendment a very good one.

MR. RUSSELL GURNEY said, he would not oppose the Amendment, although he thought the maximum fixed was somewhat high.

Amendment *agreed to*.

Other Amendments made.

Bill to be read the third time upon Monday next.

#### (CHURCH PATRONAGE (SCOTLAND))

BILL—[Lords]—[BILL 234.]

(The Lord Advocate.)

#### CONSIDERATION.

Bill, as amended, *considered*.

Clause 3 (Repeal of Acts, 10 Anne, c. 12, and 6 & 7 Vict. c. 61. Appointment of ministers in future).

MR. ORR EWING, in moving, as an Amendment, in page 2, line 2, to leave out "shall," and insert "is hereby declared to," said, that he had intended to move the Amendment without making any remark upon it; but he was informed that one or two hon. Gentlemen who had opposed the Bill on the second reading, intended to object to his proposal, and it therefore became necessary for him to make a few remarks. When he proposed the same Amendment in Committee, he was met by only one objection—namely, that the effect of its being carried would be to prevent other hon. Members from moving Amendments which, if carried, would have the effect of changing the constitution of the elective body. He therefore yielded to the request of his right hon. and learned Friend the Lord Advocate to withdraw his Amendment, and propose it on the Report. He believed that some hon. Members on the opposite side of the House had since then found out other objections to the Amendment. He

did not know what they might be; but the object which he had in proposing the Amendment at the present stage the Bill was to restore to the Church of Scotland a right which it possessed the date of the Union between the two countries. He wished to make that part of the Bill declaratory and not enact. At the union of Scotland to England, perhaps, more properly speaking England to Scotland, the people of the Church of Scotland had the power of electing their own ministers. It was true that the initiative took place, the heritors and elders of the Church who looked out for a clergyman qualified for the duties; but the ultimate result depended upon the congregation. It was in the interest not only of the established Church, but of the Dissenters themselves, and more especially of members of the Free Church, that he moved the Amendment, the object of which was to render the Bill in conformity with the law of 1690, and he was sure all those possessing an acquaintance with the feelings of the people of Scotland would support it. The hon. Gentleman concluded by moving the Amendment.

Amendment proposed, in page line 2, to leave out the word "shall" and insert the words "is hereby declared to,"—(Mr. Orr Ewing,)—instructed thereof.

Question proposed, "That the words 'shall' stand part of the Bill."

MR. LEITH said, he objected to the Amendment on two several grounds. First, that it was historically untrue, and, second, that this was an enactment and not a declaratory Bill. With regard to the first point, he would draw the attention of the hon. Member for Devon to the fact that the Bill was a Bill, as described by the hon. Member for Fife, to repeal merely the Act of 1690. It was a Bill with a double object. Its object was, no doubt, to repeal the Act of 1690, and also Lord Alton's Act; but it was intended, besides, to substitute by positive enactment a new body for electing the ministers of the Church of Scotland for that which had existed previously. His hon. Friend had boldly asserted that he meant to restore to the Church of Scotland its ancient right, and therefore he asked in his Amendment, for a declaratory

by the House of that right. What did that mean? The Act of Union said nothing whatever about patronage; and therefore they fell back upon the Act of 1690, which was diametrically different from those clauses in the Bill, which were to vest the right of electing ministers in the congregation. What power did the Act of 1690 give? It gave power to the heritors and elders of the Church to propose a minister to the congregation, who then had the power of approving or disapproving. If they disapproved, they had to state their reasons for disapproving, and then the matter went to the Presbytery, who had absolute power of determining who should be the minister. They found in the Bill a new mode of election, and a new body of electors; and they were by the Bill vesting in the congregation that power which was before vested in the heritors and the elders. The House would remember the mode in which the question came from the General Assembly. They found that the General Assembly, in the first instance, recommended the heritors, the elders, and the communicants as the electing body; then, when the Bill was introduced into "another place," they found a noble Duke objecting that that was too narrow a suffrage; and now they found that communicants had been dropped, and congregations substituted in the Bill. He must repeat that in the measure a new body was substituted for that which was expressly designated in the Act of 1690.

MR. M'LAREN said, the hon. Member for Aberdeen had so clearly stated the difference between the law as it was, and the law as it was proposed to be declared to be by the proposed clause, that he would not occupy the time of the House by going over what had been so well said. In round numbers, the present proposal included about 1,000 parishes and 500,000 communicants who would become the electors, or about 500 electors to every congregation. By the Act of 1690, it was the heritors and elders who according to law proposed the minister to the people. That was the election by the heritors and elders, subject to a veto by the congregation, and an appeal to the Presbytery. An hon. Member had stated that the Bill was not more for one Church than another. That statement surprised him. The Free Church, as it

seemed to him, had been sacrificed by the Bill, and had been insulted by it. ["Oh, oh!"] The Free Church ought to have been considered, and had not been considered; and his impression was that the effect of this revolutionary Bill—the most revolutionary Bill ever passed with regard to Scotland since the period of the Union—would be to unite the whole of the Free Church against the Establishment, and with them the United Presbyterians, and other denominations; and that a majority of hon. Members would be returned for Scotland on the principle of disestablishing the Church. In his opinion that would be the pivot on which future elections would turn.

THE LORD ADVOCATE said, the hon. Members for Aberdeen and Edinburgh had been very consistent in their opposition to the whole Bill, and had done everything they could to prevent its passing. Therefore, he was not discouraged by their trying to make the Amendment more palatable to those who did belong to the Church and to those who did not. Under the Act of 1690, the power of election was vested in the congregation; while the heritors and the elders had the right to propose to the congregation, the ultimate result depended upon the congregation themselves. The views of contemporary writers were, that effect was always given to any objection taken by the congregation, unless it was the result of improper proceeding on the part of the congregation. ["No, no!"] The hon. Member for Aberdeen might say "No," but he (the Lord Advocate) was stating his views of the case, and he hoped the hon. Member would not interrupt him. He ventured to say that that was the proper construction of the Act of 1690, and they were now coming back, by throwing out the Act of Queen Anne, to the original Act.

MR. LYON PLAYFAIR said, the historical statements were either true or not true. If they were false, it was not worthy of the House to accept them. The right hon. and learned Gentleman had said nothing to answer the allegation that the statements were historically false. He, however, had said the Act of 1690 was practically the same as this Act. He (Mr. Lyon Playfair) denied that altogether; that Act set forth that the heritors of the parish, together with the elders, were to name a person to be

approved or disapproved by the congregation. Was that election? That settled the question, and there was no occasion to discuss it further. The Act of 1690 was a totally different Act. It was historically false to say it was the same Act as they were now passing. It was not worthy of the House to put in a declaration which was historically false.

GENERAL SIR GEORGE BALFOUR said, if the Lord Advocate could restore the right of the heritors, elders, and congregations to elect the minister, he would deserve the support of the House; but it appeared to him that this Amendment went no further than one of his own, which had been declared to be wrong.

MR. CAMPBELL - BANNERMAN said, the right hon. and learned Lord said it was desirable to make the Bill as palatable as possible to the people of Scotland; but it ought not to be made palatable at the cost of historical truth or of constitutional principle. He maintained that if the Amendment were accepted, they would sacrifice both. Even if, as was alleged, but as was not the case, by the Act of 1690, the elections were left to the congregations, that was qualified in this Bill by the regulations to be laid down by the General Assembly. But he went rather on the question of constitutional principle. The Amendment was to make the Bill more palatable by substituting the words "is declared to be" instead of "shall be." Why should they be so squeamish about using the word "shall?" The reason was, that it was supposed to be distasteful to some people in Scotland that the House of Commons should appear to dictate to them as to how they should elect their minister. But he maintained that that was a right which Parliament possessed. Parliament could do as it liked with regard to the Established Church; it could say what she should believe and what she should do. Then, if that were the state of things, why should they take all this trouble in order to save the conscience of some people of the Free Church?

SIR EDWARD COLEBROOKE said, the question raised by his hon. Friend was of great importance. It was to declare that that was the law which never was the law. In taking that course, the Legislature would discredit itself. The right hon. and learned Lord said the opposition came from the enemies of the

Bill, but he was not an enemy of Bill. He had voted for it, but he reminded his right hon. and learned Friend that to declare a thing in Parliament not alter history or law. In many instances, declarations had been made in Parliament which had only brought credit on those who made them.

MR. MACGREGOR said, he had been much surprised at the observation of the hon. Member for Stirling. He thought that though they had the right to establish and disendow the Established Church of Scotland, they would not think of altering her form of worship or creed. He also had to complain the senior Member for Edinburgh had inaccurately the number of communicants in North and South Leith.

MR. YEAMAN said, he pledged himself to his constituents that he would vote in favour of any measure to reform the law of patronage. This was a popular Bill in Scotland, and he was sure the relieving of the Established Church of this incubus would be a great benefit. He hoped that the House would support the Amendment.

Question put.

The House divided:—Ayes 31; Noes 91: Majority 60.

Words inserted.

MR. M'LAREN moved, as an Amendment, in page 2, line 4, to leave out "and insert" "one or more candidates to fill the vacant office of." The hon. Member said that as the clause stood there might be only one person presented to the congregation by a special committee, and he wished to give the congregation a choice. The proposal seemed so reasonable that he hoped the Lord Advocate would adopt it at once.

Amendment proposed,

In page 2, line 4, to leave out the word "and insert the words "one or more candidates to fill the vacant office of,"—(Mr. M'Laren)—instead thereof.

THE LORD ADVOCATE said, he objected to the introduction of the word "candidates," and thought the clause had better stand as it was.

MR. M'LAREN said, he was willing to substitute for the word "candidate" the word "persons."

Question, "That the word 'a' at the end of the Bill," put, and agreed to.

*Mr. Lyon Playfair*



On Motion of Mr. M'LAREN, Amendment made in page 2, line 5, after "committee," by inserting the words "chosen by the congregation."

—Mr. FRASER - MACKINTOSH, in moving as an Amendment, in page 2, line 19, after "thereof," to insert "as well as upon all other questions with which it is the province of the Church to deal," said, that the object of the Amendment was to protect the spiritual independence of the Church against the civil Courts.

Amendment proposed,

In page 2, line 19, after the word "thereof," to insert the words "as well as upon all other questions with which it is the province of the Church to deal."—(Mr. Mackintosh.)

Question proposed, "That those words be there inserted."

THE LORD ADVOCATE said, that having fully and anxiously considered the Amendment, and consulted with persons in authority on the subject, he was of opinion that it was not within the scope of the Bill, and also that it was not necessary for the object in view.

Amendment, by leave *withdrawn*.

Clause 5 (Procedure before sheriff).

Mr. M'LAREN, in moving, as an Amendment, in page 3, line 5, to leave out "not exceed," and insert "be equal to," said, its effect would be that a patron would receive a compensation which would amount to one year's stipend certain.

THE LORD ADVOCATE said, he would agree to the Amendment, in substance, but would suggest an alteration to make it applicable to more than one patron.

Amendment (Mr. M'Laren), by leave *withdrawn*.

Amendment (the Lord Advocate), *agreed to*.

SIR EDWARD COLEBROOKE, in moving as an Amendment in page 3, to leave out from the word "that" in line 7, to the word "parish" in line 8, said, he considered it was important in the interest of the Church that the Amendment should be inserted, and, moreover, it would clear away a serious blot in the Bill.

Amendment proposed, in page 3, to leave out from the word "that," in

line 7, to the word "parish," in line 8.—(Sir Edward Colebrooke.)

Question proposed, "That the words proposed to be left out stand part of the Bill."

Mr. ANDERSON supported the Amendment.

THE LORD ADVOCATE opposed the alteration.

GENERAL SIR GEORGE BALFOUR regretted the course which the Lord Advocate had considered it his duty to take.

Mr. COWAN trusted the hon. Member who had moved the Amendment would divide the House upon it.

Mr. ORR EWING thought that the clause as it stood was the only method in which a guarantee for payment could be secured, and he therefore trusted that the Amendment would not be accepted.

Mr. M'LAREN said, he looked upon the Amendment as a great improvement, but considered that the time for collecting the money should be three years, instead of six months.

Question put.

The House divided:—Ayes 65; Noes 28: Majority 37.

Clause 8 (Repeal of inconsistent statutes).

Mr. WHITELOW moved, as an Amendment in page 4, line 13, after "with" to insert "the appointment of the minister first appointed as the minister of any new parish quoad sacra or."

Mr. M'LAREN thought that the proposal was inconsistent with the Bill.

Amendment *negatived*.

Clause 9 (Interpretation clause).

Amendment proposed,

In page 4, line 35, after the word "include," to insert the words "parishioners who are either."—(Mr. Campbell-Bannerman.)

Question proposed, "That those words be there inserted."

Amendment, by leave, *withdrawn*.

Mr. ORR EWING moved, as an Amendment, in line 36, to change the phrase "such other adherents" to "any other adherents."

Amendment proposed, in page 4, line 36, to leave out the word "such," and insert the word "any,"—(Mr. Orr Ewing,)—instead thereof.

Question proposed, "That the word 'such' stand part of the Bill."

MR. M'LAREN objected, on the ground that it might have the effect of enabling kirk sessions to exclude adherents.

Amendment, by leave, *withdrawn*.

Other Amendments made.

Bill to be read the third time upon *Monday* next.

House adjourned at Two o'clock.

## HOUSE OF COMMONS,

*Saturday, 1st August, 1874.*

MINUTES.]—PUBLIC BILLS—*First Reading*—Education Department Orders \* [239].

*Committee—Report*—Irish Reproductive Loan Fund [183]; Commissioners of Works and Public Buildings \* [188]; Statute Law Revision (No. 2) \* [237].

*Third Reading*—Local Government Board (Ireland) Provisional Order Confirmation \* [207]; Private Lunatic Asylums (Ireland) \* [215], and *passed*.

The House met at Twelve of the clock.

### IRISH REPRODUCTIVE LOAN FUND BILL.—[BILL 183.]

(*Mr. William Henry Smith, Sir Michael Hicks-Beach.*)

#### COMMITTEE.

Bill *considered* in Committee.

(In the Committee.)

Clauses 1 to 4 *agreed to*.

Clause 5 (Regulations as to loans by Commissioners).

MR. W. SILAW moved the omission of a sub-section under which the advances to the different counties would be restricted to certain proportions. If the industries of one county did not stand in need of assistance, the money in hand ought, he contended, to be available for the purposes of a neighbouring county.

THE ATTORNEY GENERAL FOR IRELAND (MR. BALL) said, that these restrictions were proposed to meet the equitable rights of certain counties in Ireland, and submitted that as the clause had been carefully considered it should not be disturbed.

MR. BUTT complained of the narrowness of the measure, and expressed a hope that the restrictions which now existed would be abolished.

MR. M'CARTHY DOWNING, who had intended to move on the Motion for going into Committee on the Bill, that the House resolve itself into the said Committee that day three months, regretted that he had found it impossible to arrive in the House soon enough to propose his Motion. He complained of the manner in which, upon successive stages, he had been prevented from stating his objections to the Bill. It was one of the most extraordinary which had ever been brought before the House of Commons. A Resolution had been passed that Session on the Motion of his hon. Friend the Member for Limerick (Mr. Synan) stating that the sea fisheries of Ireland were in a decaying state and ought to be aided by the State. Now, the Government, in order to carry out that Resolution, had seized a fund which had been appropriated by Act of Parliament to other purposes. In the year 1822, when there was a famine in Ireland, the good citizens of London collected, under the King's letter, £350,000 for that famine. Of that sum £300,000 was spent and £50,000 remained. The donors of the gift said that that sum of £50,000 should be divided between the 10 counties in Ireland which they thought merited it most. County trustees were appointed, and in 1827 a committee from the county of Cork was named, presided over jointly by the Roman Catholic and Protestant Bishops. The sum of £5,000 was devoted to the building of agricultural schools and to instruct the people in agricultural science. That money was never given to the county of Cork. The committee in London, finding the scheme did not work well, called in the several sums which were then in the hands of trustees, and under the provisions of 11 & 12 Vict. that money was voluntarily placed in the hands of the Ministry of the day, and vested in the Crown for the purposes specified in the Act. He contended that the money had been diverted from its proper channel, by the Government permitting loans from this fund to be made in aid of the Irish Fisheries. The Prime Minister had complained once this Session of not being able to understand one of his own Bills. If he had read this Bill

he must have come to a similar conclusion. The draftsman was so ignorant of Ireland that in one of the sections he described Limerick as a maritime county. Why, there never had been a fisherman there. Another section referred to a second Schedule, yet there was no second Schedule in the Bill at all. He could point out other gross errors in the Bill, and he asked the Government whether they were really serious in asking the House to pass a measure so loosely drawn, and to seize a fund which had been appropriated years ago to other and different purposes. If the Government were indicted before an honest jury they would be convicted of obtaining money by false pretences. The Bill was a miserable evasion of getting out of the obligation imposed upon the Government by the Resolution of the House to which he had referred. The Government were bound to carry out that Resolution, and he did not believe that they would lose a single shilling by any advance that might be made. He regretted that his late arrival hindered him from attempting to postpone the second reading of the Bill.

MR. MACARTNEY said, the Irish people had nothing to thank the Government for in this matter. They were simply giving them money which already belonged to them.

Remaining clauses agreed to.

Bill reported; as amended, to be considered upon Monday.

#### COUNTY COURTS BILL—[Lords.]

[BILL 175.] SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be read a second time upon Monday next."—(Mr. Attorney General.)

MR. M. T. BASS complained of the arrangement. Last night the Bill was fixed for to-day, and many hon. Members who were interested in it had remained in town in order to take part in the discussion. Now they were told that the Bill was to be deferred. He thought hon. Members had been hardly used, and he complained that a Bill of such importance had been brought forward at so late a period. He knew the Government had a majority which would enable them to do anything—they might

put the Speaker into the stocks if they thought it necessary. He spoke to the Home Secretary about it, and that right hon. Gentleman knew nothing of the Bill. He then went to the Attorney General, who had never heard of it. He had, therefore, a suspicion that it came from a Scotch draper, assisted by some over busy clerk at the Treasury. He had been told that Lord Cairns was the author of the Bill; but he did not believe that so distinguished a lawyer could have had anything to do with it. He moved an Amendment that the Order be discharged.

MR. ROEBUCK, in seconding the Motion, said, he was somewhat pleased when he found that the Bill was to be discussed to-day, because the state of his health would not permit him to remain late at night. Under the proposed arrangement, however, the Bill would not come on until midnight. He wanted to know from the Attorney General why the Bill was to be postponed. They had assembled for the purpose of discussing the Bill, and now suddenly they were told it was to be deferred. He wanted to know the reason why.

Amendment proposed, to leave out from the words "That the" to the end of the Question, in order to add the words "said Order be discharged,"—(Mr. Bass.)—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

THE ATTORNEY GENERAL would explain the reason. The Solicitor General had charge of the Bill, and within the last few minutes he had received a communication from him stating that he must unavoidably be absent. Another reason was that before the meeting of the House the hon. and learned Member for Sheffield (Mr. Roebuck) took the opportunity of saying a few words to him upon the matter, and had made suggestions which he considered to be very valuable, and such as might lead to the removal of any further opposition to the Bill. These suggestions, if adopted, might be dealt with in Committee, and as it was probable that by Monday the Government would be able to consider and adopt them, it was not unlikely that a saving of time would be effected.

MR. HENLEY said, he was glad the Bill was put off till Monday, and he

should be still better pleased if it was put off till next Session. There were a large number of persons interested in the question, and it was not quite fair to bring the Bill forward at a time when a large number of hon. and learned Members were absent, who really were the best qualified to discuss the subject. He asked the Government to consider this point before the Bill came on on Monday.

MR. ANDERSON said, that this was a most important Bill; and it was by no means understood, either by the House or the country, how immense an effect it would have on the poorer classes. If, however, it had not involved matters of imprisonment, he should have said less about it; but, as it greatly added to the powers of County Court Judges to inflict imprisonment, he pressed the Government to postpone the Bill to next Session.

SIR HENRY JAMES suggested that the Bill should be taken early on Thursday, and remarked that it had already been six or seven times on the Orders.

THE ATTORNEY GENERAL said, that as there had been a Notice of Amendment to the Bill, it could not be taken after half-past 12, which was the reason it had been so often on the Orders.

MR. MACDONALD said, he hoped the hon. Member (Mr. Bass) would go to a division, and considered that the Government ought not to attempt to smuggle a Bill of this kind through the House when a large number of the Members had left.

Question put.

The House divided:—Ayes 50; Noes 31: Majority 19.

Main Question put, and agreed to.

Second Reading deferred till Monday.

#### IRISH CHURCH ACT (COMMUTATION).

##### MOTION FOR A RETURN.

MR. E. JENKINS moved for a Return of the number, names, and present residences or livings of Clergymen and Ecclesiastics of whatever grade in the Irish Church who up to the end of July, 1874, have, under the Irish Church Act, commuted and compounded; stating the annual value of their livings, the amount of commutation agreed on, and the amount of composition paid in each case. The hon. Member said, that as

he understood the Motion was to be opposed by Her Majesty's Government, he was anxious to say a few words as to his reasons for moving for these Returns. He understood that the right hon. and learned Gentleman opposite (the Attorney General for Ireland), who was a member of the Irish Church Representative Body, objected to grant these Returns on the ground that the House was not entitled to ask for them. He (Mr. Jenkins) was, however, of opinion that not only had the House a right to call for their production, but that it was perfectly legitimate on his part to move for them. The reason why he had placed the Motion on the Paper was that efforts had been made from time to time in the Synod of the Irish Church to get these Returns from the Irish Church Representative Body—a body which consisted of 60 members, who met only once a month, and not even so frequently in the summer months, and which had paid out in compositions and advances to the clergy of the Irish Church the large sum of nearly £2,000,000. He thought the House of Commons had a right to know where that money had gone to, and he had received several communications from men of the highest position in the Church, who spoke in the highest terms of the transactions of the Irish Church Representative Body with reference to these compositions. Remonstrances had been of no avail, and in a pamphlet which he held in his hand, it was stated that Major General Young had moved for a Return, and was supported by Mr. Ellison, a Catholic, who stated that it was difficult even for a member of the Representative Body to obtain information as to the computations and compositions, but particularly with regard to the compositions. He (Mr. Jenkins) was of opinion that the country was entitled to know how the scheme of Disestablishment and Disendowment was being carried out. He should certainly press for the production of the Returns on the ground that there could be no object in keeping back an account of the transactions which had actually taken place.

MR. LOCKE seconded the Motion.

Motion made, and Question proposed.

"That there be laid before this House a Return of the number, names, and present residences or livings of Clergymen and Ecclesiastics

*Mr. Henley*

of whatever grade in the Irish Church who up to the end of July, 1874, have, under the Irish Church Act, commuted and compounded; stating the annual value of their livings, the amount of commutation agreed on, and the amount of composition paid in each case."—(*Mr. Edward Jenkins.*)

THE ATTORNEY GENERAL FOR IRELAND (Dr. BALL) was understood to say that he had no objection to produce the Returns moved for so far as it was in the power of the Government to do so. It would be impossible, however, to comply with that part of the Motion which required the production of Returns in reference to the compositions made by the Irish Church Representative Body with the clergy who had commuted. The position of matters was this—In making a composition the sum paid was the actual market value of each life, and if there was the slightest error in calculating the duration of these lives there would be a failure of the fund provided for paying the annuities. The market value was regulated by the tables which were founded upon an average of the whole lives of the English community; but as they did not represent the real duration of these particular lives, the consequence was that it was absolutely essential for the safety of this gigantic scheme of annuities that there should be a large margin in hand. The Church Body had the power of relieving themselves from those annuities by a process of composition, and he contended that this had been done in the interest of the Church itself. The Representative Body were bound to account to the Synod by the Queen's Charter for the sums expended. There being a regular Parliament of the Church in this Synod, which was held at Dublin, the information now asked for should be obtained through the Synod; but the Government could not embark in the inquiry. The late Church of Ireland was in no respect different from a Dissenting body. It occupied the same position as the Roman Catholic or the Presbyterian, or numerous other Dissenting sects, and was in no way connected with the State, or under its control.

MR. SYNAN said, his right hon. and learned Friend had passed by the real question involved in the Motion before the House. It did not deal with the clergy, or with the Synod, or with the relations between the clergy and the Synod, but it dealt with that for which

the Government were responsible—namely, the proceedings of the Church Commissioners.

THE ATTORNEY GENERAL FOR IRELAND (Dr. BALL) said, he had already stated that he would give every information as to the Church Commissioners. It was only that part of the Returns which related to the Representative Body which he was unable to give.

MR. SYNAN said, he did not clearly understand what part of the Returns it was that the Government refused to grant.

THE ATTORNEY GENERAL FOR IRELAND (Dr. BALL): I object to the word "compounded." That is a transaction between the Church and the clergy, and is not a transaction of the Commissioners. I am quite willing to give the names of all the clergymen who have commuted, and the total amount paid, but I can give nothing beyond that.

MR. SYNAN: You have the individual amounts of the computations and the bulk sum.

THE ATTORNEY GENERAL FOR IRELAND (Dr. BALL): I agree to give that.

MR. MACARTNEY: It would be impossible strictly to comply with the terms of the Motion. The right hon. Baronet the Chief Secretary for Ireland could not tell what were the present addresses of the clergymen who had compounded.

THE ATTORNEY GENERAL FOR IRELAND (Dr. BALL) said, he would move to leave out the words "and compounded."

Amendment proposed, to leave out the words "and compounded."—(*Mr. Attorney General for Ireland.*)

MR. E. JENKINS regretted that he must press for the entire Return. The answer of the right hon. and learned Gentleman simply evaded the real question—the main point being that part of the Return which the right hon. and learned Gentleman refused to give. It must be remembered that the Irish Church Representative Body formed a large part of the Synod, and that when they voted together they could prevent the laity from obtaining these Returns. In point of fact, the laity were unable to ascertain how far their rights were being bartered

away. He considered it his duty to press the Motion.

Question put, "That the words 'and compounded' stand part of the Question."

The House divided:—Ayes 22; Noes 50: Majority 28.

Another Amendment made, by leaving out the words "and the amount of composition paid in each case," and after the word "livings," inserting the word "and."

Main Question, as amended, put, and agreed to.

Return ordered, "of the number, names, and present residences or livings of Clergymen and Ecclesiastics of whatever grade in the Irish Church who up to the end of July, 1874, have, under the Irish Church Act, commuted; stating the annual value of their livings, and the amount of commutation agreed on."

House adjourned at Two o'clock, till Monday.

## HOUSE OF LORDS,

Monday, 3rd August, 1874.

### MINUTES.—PUBLIC BILLS.—First Reading—

Royal Irish Constabulary and Dublin Metropolitan Police \* (221); Private Lunatic Asylums (Ireland) \* (216); Post Office Savings Bank \* (219); Great Seal Offices \* (217); Fines Act (Ireland) Amendment \* (218); Expiring Laws Continuance \* (220).

Second Reading—Registration of Births and Deaths (208); Endowed Schools Acts Amendment (214); Consolidated Fund (Appropriation) \*; Valuation (Ireland) Act Amendment \* (206); Lough Corrib Navigation \* (207).

Committee—Sanitary Laws Amendment \* (181-225).

Committee—Report Prince Leopold's Annuity \* (213).

Third Reading—Shannon Navigation \* (189); Public Health (Ireland) \* (193); Royal (late Indian) Ordnance Corps Compensation \* (203); Evidence Law Amendment (Scotland) \* (198), and passed.

### REGISTRATION OF BIRTHS AND

DEATHS BILL.—(No. 208).

(The Lord Walsingham.)

#### SECOND READING.

Order of the Day for the Second Reading, read.

LORD WALSHINGHAM, in moving that the Bill be now read the second time, said, it might be considered that

some apology was needed for the appearance of the Bill at so late a period of the Session. It had been, perhaps, somewhat delayed to make way for other measures of equal or greater importance, because, inasmuch as it had twice passed through their Lordships' House almost exactly in the present form, it was not anticipated that any serious opposition would now be brought to bear against it. In fact, he believed he might say for it that it had the support of all parties. After the experience of 36 years—for it was in 1837 that civil registration of births and deaths was introduced into England—it had only been during the last two or three years that the necessity of rendering such registration compulsory appeared to have been fully recognized. Two Select Committees of the House of Commons had reported in favour of compulsory registration, and the Royal Sanitary Commission had also recommended it. A Bill was introduced with this object in 1871 by Mr. Lyon Playfair in the House of Commons, and the noble Lord who was then at the head of the Department on which such a duty would devolve promised, on behalf of Her Majesty's Government, that they would propose a more comprehensive measure, and that Bill was accordingly withdrawn. Compulsory registration had been in force in Scotland for 17 years, under a far more stringent enactment than that which was now proposed, and in Ireland also the principle was adopted and enforced. The object of the Bill might be shortly stated to be "to make complete the civil registration of births and deaths in England and Wales." It was sought to effect that object, first, by making it compulsory, under penalty, for relatives and others to register every birth and death, at the same time increasing their facilities for doing so; secondly, by obliging medical practitioners to give, for insertion in the register, written certificates of the cause of death of their deceased patients; thirdly, by making a statutory declaration necessary before correcting errors of fact or substance in registers; fourthly, by giving power to the Registrar General and the Local Government Board to alter the limits of registration districts where necessary; fifthly, by providing for the recovery of fines and forfeitures, on summary conviction be-

Mr. E. Jenkins

fore two justices, and authorizing superintendent Registrars to prosecute; and, lastly, by providing regulations as to the burial of still-born children. As compared with the present registration law, there were many beneficial changes introduced in this Bill. The number of legally qualified informants was increased, and the time for gratuitous registration enlarged. In other cases the fees were reduced; facilities were given for registration after lapse of time for recording changes of name, and for registering deaths after instead of before funerals. In extensive sub-districts great convenience would be afforded to the public in meeting Registrars on fixed days at "stations" distant from the residences of the Registrars, but near to the inhabitants, and from Registrars being accessible at their offices at fixed hours known to the public. Certificates of registration might be demanded at a cheaper rate than at present, and greater security was provided against the improper alteration of registers. Moreover, the proper record of births and deaths occurring on board merchant vessels was provided for. Although the Bill, from its compulsory character, proposed more stringent enactments than the public had hitherto been accustomed to, much consideration had been given to protect them from undue constraint; and whereas in Scotland since 1854 the law had been most stringent, requiring relatives within a prescribed number of days, under pains and penalties, to proceed personally to the office of the Registrar, however distant, and there record particulars of births or deaths, the Registrar being prohibited from taking his books away from the office to the residence of an informant under any circumstances whatever, it would be found that no such arbitrary provisions were contained in this Bill, which really only secured the adoption of what might be called a mild and convenient form of compulsory registration. The noble Lord concluded by moving the second reading of the Bill.

*Moved*, "That the Bill be now read 2<sup>d</sup>."  
—(*The Lord Walsingham*.)

*Motion agreed to*; Bill read 2<sup>d</sup> accordingly, and committed to a Committee of the Whole House To-morrow.

ENDOWED SCHOOLS ACTS AMENDMENT BILL.—(No. 214).

(*The Lord President*.)

SECOND READING.

Order of the Day for the Second Reading, read.

THE DUKE OF RICHMOND: My Lords, in rising to move that the Bill be now read the second time, I trust that nothing will fall from me in any way calculated to provoke that amount of excitement, and I may say warmth of feeling, which seemed to have prevailed in "another place" when this measure was under consideration in that Assembly. It will be my endeavour, in the remarks I am about to make, not to say anything personally offensive to my noble Friend the noble Lord who presided over the Endowed Schools Commission (Lord Lyttelton) or anything inconsistent with the respect I feel for him both in his public and private capacity. I am quite willing to admit the very conscientious manner in which he and his Colleagues applied themselves to a task which was by no means an easy one. I am quite willing to admit that they have displayed in the business before them for the last five or six years great zeal, great energy, and great ability, and that they have in some instances, at all events, conferred benefits on the institutions with which they have had to deal. If, therefore, in the course of my observations, I should make remarks in a somewhat different sense, I wish to guard myself in every way from being supposed to say anything personally offensive to the noble Lord or his Colleagues. When Her Majesty's Government took office, we found it to be necessary for us to deal with the Endowed Schools Commission. Your Lordships are no doubt aware that that Commission was appointed first for three years, that subsequently the powers of the Commission were extended for one year, and that they will altogether expire at the end of the present year. That being so, it became the duty of Her Majesty's Government to consider what was the proper mode of dealing with the Commission. Three courses suggested themselves to us, and the reasons which prevented us from adopting either of two of them it will be for me now to state to your Lordships. First, we might have allowed the present Com-

mission to lapse altogether. In the next place, we might have renewed the powers of the existing Commission. The third alternative was to transfer the powers vested in the Endowed Schools Commission to some other body. With regard to the first course, after duly considering the matter, we felt that it would be inexpedient and unwise to adopt it, because its effect would be to put an end to much useful legislation in respect of endowed schools. The number of grammar schools for which schemes had to be framed was 800, and the income of those schools was £336,000. The Commission had dealt with something like 74 of those schools, and had prepared schemes for 66 more; leaving 660 grammar schools still to be dealt with. In addition to these there are other educational endowments, 370 in number, of which 89 have been dealt with and 42 are in course of being dealt with, leaving 239 of these schools still to be dealt with by some provision or other. Putting the matter in another way, there are 25 or 26 counties, or certainly one half of the counties, yet untouched by the Commission. That being the state of things, we thought it would be very undesirable to let the powers exercised by the Endowed Schools Commission lapse altogether; and then it became our duty to decide whether they should be continued in the hands of that Commission. I can conscientiously assure the noble Lord (Lord Lyttelton) that so to continue them would have been the course most agreeable to my feelings, because if it had been adopted, I should not have been obliged to show, as I must do now, why it is that the Commission has not acted in a manner which commends itself to the satisfaction of the country. I must for a moment call your Lordships' attention to the condition of matters when the Commission was appointed in 1869, and to the opinions held by the noble Lord who presides over that Commission, and to whose opinions I attribute very much the feeling of distrust in the Commission which now prevails throughout the country. The noble Lord having beforehand enunciated his opinions, and having conscientiously carried them out to the best of his ability since his appointment to the presidency of the Commission, I think I am right in saying that to those opinions is very much to be attributed the evils complained of in the

working of the Commission. At the time the Commission was first appointed on the occasion of a meeting in the hall of the Society of Arts, when Mr. Hobhouse read a paper "On the limits to be placed to posthumous dispositions to public uses," the noble Lord said, he—

"was anxious to express his general agreement with the principles and doctrines laid down by Mr. Hobhouse, the more so on account of the peculiar position in which he and that gentleman stood with respect to one important branch of the subject under review—being two out of the three Commissioners appointed to carry into effect (should it pass into law) the Endowed Schools Bill, under which they would have very large powers indeed of carrying out the principles now affirmed by Mr. Hobhouse. Under these circumstances he felt it incumbent on him to state clearly and publicly the manner in which he should feel it his duty to use the power committed to him, while, at the same time, he could but repeat a doubt which he had already expressed, whether the Government would act wisely in entrusting such large powers to men who were already publicly committed to the manner in which they would exercise them. For that very reason, he at first declined the Chief Commissionership under the Act, and he still doubted whether the managers of endowed schools had not some cause of complaint in not being placed under the control of men of less pronounced views on this subject than himself—who had taken so prominent a part in the Schools Inquiry Commission—and Mr. Hobhouse. Be that as it might, it was certainly only fair that managers and Governing Bodies, and those who had more respect for founders' wills than either himself or the gentleman who had read the paper, should be fully aware that, if they were to be allowed to do what they certainly would feel it their duty to attempt in very many cases the 'pious founder' would go to the wall."

Well, my Lords, I think those are very startling views to be entertained by the head of the Endowed Schools Commission, and I have no doubt that throughout the country they were felt to be so, though there was not then so much alarm as was subsequently felt in respect of the proceedings of the Commission. The Commission was appointed, the noble Lord and Mr. Hobhouse being two of the Commissioners, and the noble Lord proceeded to carry out the views which he had previously stated he should feel it his duty to carry out. Clause 9 of the Act gives the Commissioners enormous powers. I am far from saying that the noble Lord exceeded those powers—perhaps he acted quite within them—but what I am calling attention to is that it seems to me a pity that the person who had expressed these opinions had those powers confided to him



in his capacity as a Commissioner of Endowed Schools. The Commissioners took office and proceeded to work. The mode they adopted was to issue Papers of Instruction, which are well known to those who take an interest in these subjects. One of them, Paper "F," which gave a summary of the principles proposed to be acted on by the Commission, caused extreme alarm to the Governing Bodies and trustees of schools; and if I am not mistaken, on objection being made by one of the Assistant Commissioners as to its use, it was withdrawn from circulation, though the Commissioners acted on it in the schemes they drew up. There was another Paper which also caused considerable alarm. Noble Lords are familiar with Paper "L," which was intended to explain Section 19 of the Act. That section probably called forth as much debate as any other in the Bill. Paper "L" set forth that Section 19 was to be construed in as strict a manner as possible — so strictly as to diminish very much the Church of England schools. Another Paper, "S," which was afterwards withdrawn, made known that but a very small portion of the endowments was to be devoted to elementary education. As in almost every parish of the country there is an endowment, larger or smaller, managed by the gentry and the clergy, there was a very wide-spread apprehension as to what might be the fate of a large number of schools. Governing Bodies and corporations appeared to be threatened with alterations and with dissolution, whether there was any reason or not for such proceedings; and there was one further principle in the action of the Commission which caused great alarm. I allude to the principle of degrading the schools. The noble Lord, who is himself such a master of the Greek language, decided — and it is a matter of surprise to me why he did so — that there should be no Greek taught in the Bradford School; but that ruling excited such opposition, that he and his Colleagues were afterwards obliged to allow Greek to be taught in that school. Again, the Commissioners drew a hard-and-fast line with respect to the age to which any boy might remain at school. They decided that no boy was to remain at school after a particular age, and allowed no power to the Governors or trustees to relax the rule in that respect. All these different

regulations made by the Commissioners gave dissatisfaction to the great bulk of the Governors and trustees of the schools, and created such an alarm throughout the country that no later than last Session a Committee was moved for and granted in the other House of Parliament. And here a singular coincidence appears, for it would seem, my Lords, from the evidence of the noble Lord himself, that at the time of his appointment, he said to Mr. Forster, then Vice President of the Council — "You do not imagine that this work can be finished in five years?" To which Mr. Forster replied — "No; there is no chance of that; but at about the end of three years the country will be able to say how it likes the way in which the work is being carried out." That was a prophecy of Mr. Forster; for three years from the appointment of the Commission was about the time when the country began to very strongly manifest its discontent, and the consequence was, the House of Commons agreed to appoint the Committee of last Session, presided over by Mr. Forster himself. The noble Lord and his Colleagues were examined before that Committee, and from the evidence given before it by the noble Lord, it would appear that he had not at all changed his opinion. On the contrary, if I may say so, he entertained it in a still more extravagant form than at the time of his appointment. On the 4th of March, 1873, the noble Lord gave this evidence —

"I hold in general accordance with the opinion often made public by our late Colleague, Mr. Hobhouse, 'that no man ought to have the right to direct for more than a limited period after his death, the devotion of his property to public any more than we have by the actual law to private uses. I do not press this view to any logical or theoretical extreme. I am willing that for, say, 50 years after the death of a testator his dispositions should be exempted from the operation of such Acts as ours; and I am willing that all property that was left for educational uses should still be so applied. It is impossible to anticipate a time in which such application can be otherwise, if duly regulated, than beneficial to the country; but all further details, in my judgment, should be left to the control of the carefully appointed public bodies, and according to the exigencies of the commonwealth from time to time.' It will be seen from this that, as an abstract opinion, I think that such restrictions as are in Section 19 cannot be defended. It is not a pleasant thing to have to express an opinion which in the judgment of the vast majority of the people of this country is not only wrong, but impious and sacrilegious."

After taking a vast amount of evidence the Committee drew up a Report, and I wish to read one short paragraph from that Report, expressive of the feelings of the Committee as to the confidence felt in this Commission :—

“ The published opinions of some of the Commissioners on the subject of endowments have caused alarm, and have, in some cases, seriously impeded the harmonious action which might have otherwise been secured between them and the Governing Bodies of the charities with which they have had to deal. Their own experience, as they state, in attempting to work the Act, has convinced them that the country was hardly prepared for its reception : and it is to be regretted that some of the changes proposed by them, especially in the cases of certain good schools, should have been such as to hinder the hearty co-operation of those who had heretofore worked to render them efficient.”

That paragraph was carried in the Committee by something like two to one. I mention this, because opinions were so nicely balanced in the Committee that many Resolutions of great importance were carried by only the casting voice of the Chairman. In the face of all this evidence which I have alluded to, in the face of the distrust of the Commission felt by the trustees and throughout the country generally as a consequence of the manner in which they had carried out the Act, in the face of such a statement by the Committee, and of public opinion, expressed in many ways, what were we to do ? As I have already said, it would have been a much more agreeable and easy task to renew the powers of the Commission ; but I think it must be clear to all impartial persons that such a course would not have been an advisable one to adopt. We therefore had to inquire what line of action it would be best to adopt, and it appeared to us that the Charity Commissioners were the body who might be most aptly charged with such duties as the Endowed Schools Commissioners were appointed to perform. In the first Bill relating to the subject of the Charity Commission it was proposed to appoint it under a Department of the Privy Council, but subsequently the Charity Commission was appointed in its present form. We therefore thought the Commission was one which might be safely entrusted with such duties. The mode in which it has carried out the powers already entrusted to it with regard to Nonconformists is most promising. I find that in the 10 years ending March, 1873, the Charity

Commissioners dealt satisfactorily with no fewer than 854 Nonconformist schemes, showing that they have the confidence of the Nonconformist Bodies. I think there is good reason to hope that they will give equal satisfaction to other bodies having the management of educational institutions ; and therefore my Lords, I venture to hope that by this Bill, which will transfer to them the power of dealing with the Endowed Schools, a great benefit will be conferred upon the country. I am quite willing to admit that the Bill as now presented to your Lordships is not the Bill introduced in the House of Commons. The Bill as so introduced was one of a much larger character, and embraced other matters than those I have mentioned. It must be admitted by every one who has paid any attention to the subject that one of the difficulties of the Act of 1869 arose from the obscurity of certain of the sections. Mr. Roby, one of the Commissioners, said that he thought there was more obscurity in the 19th and 24th clauses of that Act than in any two clauses he had ever seen. We had then before us that Clause 19 which is so obscure, and we endeavoured to remove the obscurity. I think the noble Lord (Lord Lyttelton) will admit that it was a difficult section on which to have to touch. Having had a good deal to do with this Bill I am bound to say so—I must say that previously I had formed no idea of the difficulty of dealing with that clause in a satisfactory manner, and I am further bound to say that I received the greatest assistance from the draftsman. I attribute no fault to him. The inherent difficulty of the matter is sufficient to free him from any fault in respect of that obscurity which, no doubt, the discussion in the other House of Parliament made apparent in the clause. That discussion showed that it would be useless at this advanced period of the Session to try to go on with that part of the Bill, and as what we thought chiefly necessary was the transfer of the powers of the Commission, which we have secured, we did not deem it advisable or necessary to proceed with the other clauses, which had provoked so much opposition in the House of Commons. The fact that in that House the transfer was agreed to by a majority of 89, sufficiently justified us in the views which we entertain. My Lords, I have

gone very nearly through the various points of the Bill as laid before your Lordships; but before I conclude I should like to mention two or three Amendments which, I think, it will be necessary to make in Committee. In the first place, in the Bill as it stands it is provided that the Secretary shall be appointed by the Commissioners. The noble Lord will quite understand what I mean, when I say that such a proposal does not put the Secretary in the position he has a right to expect, because under the Endowed Schools Acts, the Secretary, like the Commissioners, was appointed by Her Majesty. To enact that he should be appointed at the pleasure of the Commissioners would put him in a lower rank. I, therefore, propose to put him in the position which the Secretary of the Commission now occupies. I also propose to insert an Amendment providing that the 31st of December shall be the day on which the Charity Commissioners shall assume their new functions, that being the day on which the Endowed Schools Commission expires. On consideration, we have thought that such an arrangement will be better than two concurrent jurisdictions. There is another point of amendment, though it is one which probably will be better discussed in Committee. We have had to consider what is to be done with those schemes which have come from the noble Lord and his Colleagues, but are still in the Privy Council Office. There are 32 of them, and some of them involve matters of considerable interest. Unless some clause be introduced, all these schemes will lapse with the Act of 1873, and all the proceedings connected with them will have to be begun over again. Among them is the Dulwich scheme. Enormous expense and great delay would be the result of allowing them to lapse. I therefore propose to insert a clause to keep alive, if I may use the expression, all schemes framed by the Endowed School Commissioners, but which have not yet been approved, in the Privy Council Office, giving to the parties concerned a month to send in any objections that may be entertained against those schemes being taken up and dealt with by the Privy Council. With those observations, my Lords, I should have been willing to sit down after moving the second reading were it not for a matter of a somewhat personal

nature as to my conduct respecting the Bill, both before it was brought into the other House of Parliament and since that time. I allude to a statement which has been made in a most public manner respecting my want of courtesy to the noble Lord and his Colleagues, the members of the Commission. If it had referred to myself alone, I should be disposed to pass it by; but as it reflects on the office I have the honour to hold I think I am bound to repudiate it. In other respects, in all probability, I should have treated it with that contempt which I venture to think it deserves. This is what the hon. Gentleman who makes the statement says—

“He did think it monstrous that the Duke of Richmond, who called himself the Minister of Education and the Vice President of the Council, should bring in this Bill without any personal or private communication with these Commissioners. They were doomed to destruction, and these Ministers, having made up their minds, no doubt thought it better to keep out of the way. If it had been a case of cattle disease or South-down sheep or any question affecting landlords and tenants the Duke of Richmond would have spared no pains to communicate with the parties, to get all the information in his power, and to produce an impression on the minds of those with whom he had to act that he had not been behind in courtesy.”

Now, in the strongest language which the usages of your Lordships' House permit, I repudiate the conduct attributed to me in that language, and deny that I showed any want of courtesy towards the noble Lord and his Colleagues on the Endowed Schools Commission, or that I acted in this matter differently from what I would have done in matters in which the hon. Gentleman who makes the charge, and who is somewhat obscure in his language, assumes me to be so much interested. I find also that I am accused by high authority (Mr. Forster) of want of courtesy in not sending for the noble Lord and his Colleagues and consulting with them. Mr. Forster is reported to have said—

“He was surprised to find that although the Endowed Schools Commissioners had been working under the Education Department since the present Government came into office, no intimation had been made to the House that there was any intention to get rid of them. There had been no communication on the subject between the Lord President or the Vice President and any one of the Commissioners. Consequently, the noble Viscount had had no means of ascertaining whether the impression he had formed of their general unpopularity was well-founded or not.”

My Lords, I should like to know what those persons would have had me do. Had I invited the noble Lord and his Colleagues to come to the Privy Council to communicate with them on the subject, the first thing I must have said was—"We have determined on the abolition of you and your Colleagues;" and after that all I could have added by way of courtesy would have been, "In what manner will it be most agreeable to you to accept it?" I think the noble Lord would have been rather astonished if I had sent for him and his Colleagues to ask them whether it was untrue that they were unpopular in the country; and I think he will agree with me that I showed him and them much more courtesy by not inviting them to the Privy Council Office with any such object. But for what other purpose was I to have acted as those Gentlemen suggested? Was I to say to the noble Lord—"We have determined to abolish the Endowed Schools Commission. What sort of Commission do you think we ought to set up in its stead?" I think it probable that the noble Lord would have replied—"Don't ask me. When we are dead and gone settle it yourselves." My Lords, what we did was this—and the noble Lord will bear me out in it—that the moment Her Majesty's Government came to a decision as to what they proposed to do, and before the Bill was drafted, I sent a confidential letter to him, and the moment the Bill was drafted the noble Lord had a copy. I think your Lordships will think from that explanation that as regards intimation to the noble Lord and his Colleagues, I did all that could have been expected. I have been a long time before the public, and I think I may safely say that I am not open to the charge of want of courtesy towards those with whom I come in contact; while as regards my political opponents, the last thing I should think of would be to exhibit any want of courtesy towards them. First, it is contrary to my feelings; and, secondly, I think it is not the best mode by which to carry on Public Business. I shall not trouble your Lordships further, but will conclude by moving the second reading of the Bill.

*Moved*, "That the Bill be now read 2<sup>d</sup>."  
—(*The Lord President.*)

*The Duke of Richmond*

LORD LYTTTELTON: \* My Lords, some few of the few of your Lordships present may remember the end of July last year, when this subject was before the House. The noble Duke opposite (the Duke of Richmond) being then better occupied at Goodwood than in attending to our affairs, the noble Marquess (the Marquess of Salisbury), who, I presume, is now better occupied elsewhere, had to speak for both. We were of course then, as we are now, wholly at their mercy; and he told us how they had, for a time, as it were, held the Commission between their finger and thumb, hesitating whether or not, then and there, to pinch us out of existence. They resolved, however, not to do so, but to leave us—as I believe it was expressed by one of the right rev. Bench—"to live for a year with a halter round our necks, and be hanged at the end of it"—precisely what has happened. I believe the noble Marquess has since then, and especially since the change of Government, rather repented that decision on the ground of humanity. No one doubts the benevolence of the noble Duke and his Colleague, Lord Sandon; though I cannot say that Lord Sandon showed much of it in his speech the other day. But so it is, and nothing is more painful than a lingering death inflicted by benevolent men. *Moribundus ros saluto*; but I am certainly not about to make any Jeremiad on the subject. I like £1,500 a-year as well as anyone else: I have more cause to like it than most people. But the official work I do not like at all, nor this particular work. As Falstaff says, Rebellion lay in his way, and he took it: so I suppose I must say, Confiscation lay in my way, and I took it—but not from any particular pleasure I have in it. I do not dwell upon that; nor on any of those personal matters on which so much was said in the House of Commons. Yet, speaking in the purely official view, which is the only one I wish to take, I cannot but say I was surprised at the conduct of the noble Duke and Lord Sandon in one respect. Never once, from the day they took office to the time when I had a private note from the noble Duke, informing me that the Commission was to be abolished, was there any direct communication from the heads of the Education Department to the heads of the Commission. Sometimes, when from want of information

they could not help themselves, they sent their Secretary to see ours, or instructed him to write a note; but that is all. I doubt whether at this moment the noble Duke knows by sight either of my Colleagues. And yet we are not only their Colleagues in office, but our office is actually a part of theirs. This is the way in which Mr. Forster, when introducing the Bill in 1869, described the position—

“The procedure is this. It is the Government of the day working by special help. The Commissioners are merely officers assisting the Government.”

I agree with the noble Duke that no communication could have been expected about our own supersession, nor about framing the present Bill: but that there should not have been the slightest intercourse, not even an interview, is, I admit, not according to my notion of official usage and propriety. Neither do I dwell on this; and I pass on to the Bill itself. My object is not, except partially and incidentally, to defend the Commission. For that I am content to refer to the evidence before the House of Commons' Committee, and to our Report of 1872. But, as it is my dying speech and confession, I may be allowed to dwell a little on some important points in the general subject, and with a view to the future. The Bill, in itself, is simply a transfer of functions. And, on the assumption that Parliament saw fit not to renew the present Commission, nor to appoint another separate one, I make no objection to that transfer. It is quite true it has the sanction of the School Inquiry Report; not, however, its full sanction, for that Report accompanied it with other recommendations, to which effect has not yet been given. But the Charity Commission, which has long been in the habit of framing school schemes, though, perhaps, on a somewhat narrow basis, and too much on the old Chancery model, can undoubtedly discharge this function, when re-inforced as proposed: and of the new appointments, I may be allowed to express my great satisfaction at the re-appointment of my Colleague, Mr. Robinson, while the selections of Lord Clinton and Mr. Langley are quite unexceptionable. I doubt, however, whether the Government are quite aware of what they are doing in throwing, as is expressly done by the Bill, the charge of personal cog-

nizance of all new schemes on the Chief Commissioner, Sir James Hill, in addition to his existing duties: and I am sure they are aiming at what is impossible if, as I heard Lord Sandon announce, they mean to take the whole of England simultaneously, and to get through the whole work in five years. They do not consider the time and trouble involved in the preparation of even a single scheme; nor do I believe, with reference to the imputations of delay made against us, that much more could have been done. The noble Duke's statement that half the counties of England have been untouched by us, is singularly incorrect in that form. I do not believe—without reckoning Wales—that there is a single county actually untouched. But it is not more than a formal error, for certainly not more than half the work has been done, nor, I believe, could have been done. No doubt, if you appoint a sufficient number of Assistant Commissioners, they will in no long time send in full reports on any number of schools; but what is to be done with them? They will produce a mere block in the head office, unless half-a-dozen central Commissions are appointed. And it will be observed that the present Bill, so far from strengthening the executive power of the Commission, actually weakens it. The existing Charity Commission originally consisted of three Members, nor did I ever hear that that was too many. Since Mr. Hobhouse's appointment to the Endowed Schools Commission that number has been short by one, for the vacancy thus made was never filled up; and I have heard complaints of the inconvenience thus caused. Now Mr. Langley is appointed to that vacant office; and I presume some, at least, of his time will be given to the ordinary duties of the Charity Commission. The proper work, then, of the endowed schools administration will be left to two Commissioners only without other duties, Mr. Robinson and Lord Clinton, instead of three. However, all this may, no doubt, be adjusted; but it is impossible to look at the Bill simply in itself. It leaves the law, except as to the machinery for its execution, wholly unaltered; and that law has always been very elastic, and depending greatly for its real effect on the manner in which it has been applied. For that we must at

present look at the declarations made by Ministers on its introduction. The law, I repeat, is unaltered. The Bill has not, though it had, even a new Preamble. Now the main substance of the enacting part of the statute is in its 9th and 10th sections, and I desire to dwell on them especially with reference to the question of which we have heard so much—that of the “Will of the Founder.” Those sections direct that educational endowments shall be applied with one single object, the advancement of education; the direction is not qualified in any way whatever, by reference to the will of the founder or to anything else. Nor is there any such qualification in the whole remaining portions of the enacting provisions of the Act, except as to one or two specified exceptions, chiefly concerning religion, on which I shall not now dwell. The Preamble, however, does contain words about founders, which have been perpetually quoted—and, no wonder, misquoted—against us. In the first place, they do not, as is often asserted, lay down for our observance the old legal rule of adherence to the will of a founder. If they had, I would have had nothing to do with administering the Act. That rule is, that in each case of an endowment the particular will of the founder of that endowment, in respect of its destination, is to be ascertained and followed for ever, except in the extreme cases of impossibility, or a flagrant absurdity, of repugnance to public policy; and even then his will is to be departed from as little as possible, and on the principle of *cy-près*. Now, that is not what this Preamble does. It speaks generally of “the main designs of the founders” of these old endowments; and even if it had stopped there, I should have contended that it meant something different from the old Chancery rule. But it does not stop there, though our opponents continually quote it as if it did. If it had, we should have been just remitted to the old state of things, in so far that we should have had to find out for ourselves, in the best way we could, what the said designs were. But now the Act does this for us, in the all-important words following those I have quoted. It looks on the whole of the founders as one body, and directs us, not to the several intentions of each of them, but to one broad ob-

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ject which it recites as their “design”—namely, the “placing liberal education within the reach of children of all classes.” That, we told, is a “strained construction,” far from that, it is not only the *main* one, but the only one which was adopted to be in harmony with Schools Inquiry Report, also referred to in the Preamble. That Report included, as the result of a wide examination of the ancient deeds, that it was fairly stated for present practical purposes, and as the basis of legislation, that the object which I have described was on the whole the predominant one to be gathered from them. My point is not to vindicate that statement, but to point it out as that which Parliament adopted, and that it is obviously consistent with the established, national principle of adherence to the will of the particular founder. Particular founders often enough do not provide for a liberal education, but for another, as an elementary one; and constantly they do not extend their benefaction to “all children,” but only to children of one class, of one place, of one family. The practical difference is plain. By the old rule we should have had, in School A, to follow the will of its founder, and in School B of its founder, and so through the whole alphabet. Now, in each case we have to apply one general principle. I contend, then, that the Preamble in no degree limits the breadth of the 9th and 10th sections. It is not so; for a liberal education is a good thing; and, if anything, it even extends beyond its scope, for it expressly includes all classes within it. And I infer that the Government in the execution of the Act will not be able to lay down the received doctrine of the will of the founder as the first principle. If they can satisfy themselves and Parliament that the best way to promote education generally is to adhere in each case to the will of the founder, in that case, no doubt, they will be at liberty to do so. And I can only presume from the speeches of the noble Duke, of Lord Sandon, of the Home Secretary, and others, that they do intend to follow the old rule in this respect. I could not have hoped to have been able to continue long in conversation, if that were their principle; but I should have been bound to make the attempt, the law being unaltered.

the Education Department liable to change from time to time. The noble Duke has fairly quoted what I said on this subject, whether at the Society of Arts or in this House; and after all the invectives against us, I may be allowed to dwell for a time on the principle in question, that of the supposed sanctity of a founder's will. The principle is, that a man has a natural right and ought to have a legal right if he chooses to leave property to what are called public uses, to secure that it shall be applied to the uses which he specifies, for ever. But first let me say a word on the phrase, "public uses." I was once misunderstood on this subject—no doubt from my own fault—by the noble and learned Lord (the Lord Chancellor) as if I had said that all charitable property—in the popular sense of property given for eleemosynary, benevolent, purposes—was public property. I meant the converse, and in a narrower and more technical sense: that all "public uses" were in the eye of the law, of the Charitable Trusts Act, charitable uses, or charities. This being a question of law, I did not state it on my own authority; I took it from a pamphlet of my late Colleague Mr. Hobhouse, who quotes the words of the statute of Elizabeth, as showing that all sums left for such purposes as the following come under the head of "public uses"—

"Some for relief of aged impotent and poor people, some for maintenance of sick and maimed soldiers and mariners, schools of learning, free schools, and scholars in universities, some for repair of bridges, ports, havens, causeways, churches, sea-banks and highways, some for education and preferment of orphans, some for or towards relief, stock or maintenance for houses of correction, some for marriages of poor maids, some for supportation, aid and help of young tradesmen, handicraftsmen, and persons decayed, and others for relief or redemption of prisoners or captives, and for aid or ease of any poor inhabitants concerning payments of fifteens, setting out of soldiers, and other taxes."—[43 *Eliz.* c. 4.]

And it is to such uses as these that it is held that a man has a right to dedicate his property for ever—for that is the point. I have been supposed to mean all sorts of follies: that a trust should be respected as long as given trustees are alive; that it is right to respect it for exactly 50 years, &c.; whereas all I have ever said is to deny the perpetual right, or what would be equivalent to it. Whether 50 years, or more or less, be

the right limit, is a question of detail. My Lords, people may call me what they like, as they have done—revolutionary, impious, sacrilegious, I know not what—I cannot depart from what I have maintained—that this supposed right of perpetual bequest has no foundation in right reason, in the principles of law, or in any other sound ground. But I will venture again to quote—though it is not in this House that I have referred to it before—as what at least ought to teach moderation of language to those who uphold the received doctrine, the authority of one, venerable alike as a lawyer and a man—I mean Lord Hatherley. In his evidence before the Public Schools Commissioners he speaks as follows:—

"12,855. (*Lord Lyttelton.*) On the general question of the founder's intentions there has been an analogy, pressed of late years by the late Mr. Senior among others, between the power of specific endowment, as of schools for teaching certain things, for ever, and the power of the disposition of property. It has been said that as no one can tie up property beyond a certain number of years, say 60 years, it would be only reasonable that the same principle should be applied to charitable endowments by will or deed; that after a certain time the intention of the founder might be wholly disregarded by competent authority?—I have written a paper on that subject, which was published some time ago. I entertain very strong opinions about posthumous charities especially, and in truth about the dispositions people are allowed generally to make of their property by way of charity. I think there ought to be a power of revision after the time which has been specified, a power of revision of any disposition a person may choose to make of his property, because you do not allow a man to dispose of his property in favour of his great grandchildren; he cannot do it for more than a life in being and 21 years after that. That reasonable limit he ought to be allowed, of course, for any fancy or whim he may have, but to allow a man to dispose for ever of a mass of property, according to his crude notions of what he thinks best, by way of charity for all time, seems to me most unreasonable. I think, with regard to all such whims and fancies as that, and to others which are more sensible (and if he were a sensible founder, I am sure, if he were alive, he would desire it,) there ought to be the power of absolute gift for the limited time, but after a limited time—the life in being and 21 years afterwards—there should be a power of revising every charity whatever.

"12,856. You think the analogy is sound and may be carried through?—I think so.

"12,857. (*Lord Stanley.*) May I ask you how far you would carry that power of revision? Would you carry it so far as to allow the Courts to make a totally different provision from that which the founder intended, or would you only extend the doctrine of *cy-pris*?—I confess I go

the whole length of saying that they should have that power; it should be a public charity."

That goes to the full as far as I have gone. The analogy of private property seems to me complete, as stated by Lord Hatherley; and even in Scotland, where it used to be said that entails should hold good as long as trees grow and waters flow, we have now put an end to that principle. No doubt a man may feel sure that he is virtually securing his property in a perpetual descent; but that is because he is confident that successive generations will maintain the desire that it should be so, which is just what I would act upon in the other case. I have not said, as I have been supposed to say, that, after a given time, the State should, as a matter of course, step in, take possession of the endowment, and vary its use: but only that the mere will of the founder should be no bar, after a time, to its doing so. As a practical question, and on grounds of high expediency, I adopt the last words I have quoted of Lord Hatherley's, and would allow property bequeathed to public uses, to remain for ever dedicated to public uses, subject only to the intervention of Parliament. It is not that I conceive it is really always right that it should be so, any more than all such foundations always deserve the title of "noble," which seems always given to foundations which are very big ones, often by mere efflux of time and without any credit to anyone. Similarly, it seems, that all such founders must necessarily be "pious founders." Pious founders! Well, surely the notion of piety involves something of self-denial and self-sacrifice; and what denial or sacrifice is there, or any other virtue, in a man who lives all his life on the fat of the land, never touching the *corpus* of his estate, or doing the least good with it, and then on his death-bed, from spite to his relations, as is known and can be traced in several cases, leaves it away from those who have a natural claim on him, to what he calls, forsooth, a charitable use—often a very pernicious use? My Lords, if we could find out all these cases, we might be disposed to deal with the matter in a different way. But as we cannot—as in an indeterminate number of instances there may have been, as certainly there has been in many, real merit in the founders, who laid by during their lives and left the

bequest without injustice to anyone—we do not wish to discourage endowments, as I do not believe they have been discouraged—and as undoubtedly these gifts to public uses, under regulation, may be of great public advantage—I, for one, am content that the present law should remain, in the sense above indicated. I would go further yet. I would allow a testator secure for ever the application of his bequest to certain large specified provinces, so to say, of public use—as, the good of agriculture, of science, of trade, and so forth; not on any ground of individual right, but because it is possible to conceive that there ever will be a time when such bequests may be usefully employed in those ways. And here I may advert to the case of bequests for religious purposes. Religion should be one of the provinces we have suggested. But, just as the desire of the continual application of a gift to the good of trade, &c., should be left to be fixed according to the needs and feelings of the district benefited, so it should be in the case of a religious bequest. So we have done in our schemes, subject to the specific exceptions under the Act. When we could not, as in the case of those exceptions, refer to the standards of certain religious bodies, we have simply directed religion to be taught, not only because we could not undertake to lay down details of such teaching, but because those are, as I hold, for people themselves to fix. And this, I conceive, is illustrated by what might at first sight seem to contravene it, in the case of an Established Church. It may be said, if the people of a district are to settle the religion to be taught in their endowed schools, why are they to settle what shall be taught in the parish church? The answer seems to me complete. In the case of an Established Church, the unit—the one body to be dealt with—is, the people of the whole country. You cannot have an Established Church in one part of it, and not in another. But an endowment is for a special and exceptional benefit for a certain district, and it is for the people of that district, within reasonable limits, to regulate its application. The analogy will be admitted by those who, like myself, voted for the disestablishment of the Irish Church. To one further view of the doctrine of founder



wills I will advert, which is a modification of the ordinary one. It seems to me open to all the objections which lie against the ordinary view, and to an additional one of its own. It is this—that we should be guided by what a founder would wish, if now living. The special objection to that is the obvious one, that it is mere guesswork: we cannot possibly tell what the founder would think. And what it really means is, that we should, from among the objects desired by the founder, select that or those to which we should ourselves attach most importance. For instance, a man expressly prescribes Church teaching, among other things: a strong Churchman of these days forthwith concludes that that would be his paramount object still. But how can we tell? He may have had other objects consistent with that in his time, but now no longer so, as, that all the children of a district should be admitted into the school on equal terms. How do we know in what way he would have been affected by the course of intervening events? I now turn to the only other leading part of the question to which I wish to refer. As I could not work on the principle of absolute deference to the will of dead founders, so I could not on that of absolute deference to the wish of living trustees. My Lords, here, too, I must speak plainly. The Schools Inquiry Report says there is now no sign of malversation on the part of trustees. But too often trustees of schools are the enemies—the natural enemies—to the reform of those schools. The most common form of their appointment is that of self-election—the worst of all; and it is notorious that such bodies are the most averse to any intervention from without. We are told that it ought to have been our first object to conciliate, and to work with, existing Governing Bodies. Of course, as far as possible, it is our duty, as it is to our obvious interest and convenience, to do so. But no such principle of action is laid down in the Act, or in the Report. The Report expressly suggests, and without limitation, the reform of Governing Bodies on a three-fold system, which, with some variation of form, we have adopted. Then it is asked, why meddle with Governing Bodies which are working well? My Lords, as I conceive, the question is not whether a given system is at a particular

time working well, but how best to insure that it shall continue to do so. Similar to that is the complaint so constantly made, founded on a supposed saying of Mr. Forster's, that "good schools would not be interfered with." In the first place, what Mr. Forster said was not that, but that such schools had nothing to fear; and of course we do not admit that we have done them any harm. Will anyone say, for instance, that the great school of Sherborne, which we dealt with years ago, and which has had a new scheme, including a new Governing Body and curriculum of studies, has in any degree suffered? But, further, interfering with a Governing Body is not the same thing as interfering with the school. And when, as in the other case, it is said that we should not touch a school that is doing well, it should be remembered that there will almost always be a good school where there is a good master; and the general answer is the same—that our object is to insure, as far as possible, that the schools shall be permanently good. My Lords, the two points on which I have mainly dwelt are, in my judgment, vital. And, to judge from the expressed sentiments of Ministers on both of them, I freely admit that they are so different from mine, that I do not believe we could have gone on together. On the whole, as far as I am concerned—and I would have said the same of my late Colleague, Mr. Hobhouse—I do not think a Conservative Government could have been expected to do otherwise than they have done; and I have no complaint to make. My Lords, I had not intended to say anything more in defence of the Commission; but I may be allowed to advert to some points raised by the noble Duke. He has mentioned certain Papers which we issued at an early period. With regard to Paper F, I do not recollect—though it may be so—that an Assistant Commissioner declined, as the noble Duke says, to use it, as he found it inclined men's minds against our principles. It is true that we have long ceased to issue it, but we have in no way departed from its substance. It was framed as an exposition, to be communicated to local parties, of some main principles, and for the guidance of our Assistants; but they have long been so entirely in our confidence, and so familiar with the course of proceeding, that we

have found this particular document superfluous. Instead of sending it to trustees, we prefer to leave the substance of it to be discussed in conversation between them and the Assistant Commissioners. I am disappointed at what the noble Duke said of Paper L. That Paper was framed by Mr. Robinson, and its object was rather to define the bounds within which the operation of the 19th section of the Act would be confined, and to point out that it did not necessarily restrain Church teaching so much as it is often supposed it must. Paper S refers to the most difficult of all the subjects we have had to deal with—the adjustment of endowments with the system of elementary education in the country. I cannot go into it further than to say, that the general way in which we have attempted it would illustrate our construction of the important words in the Preamble of the Act, to which I above referred—the words directing us to have in view the liberal education of children of all classes. It follows from these words, as I conceive, that we should take into account all other existing resources and facilities for education for all classes, besides endowments, so as to promote equality of advantage in this respect without distinction. About “grading” schools I have little to say. It is a principle most conspicuously insisted on in the Schools Inquiry Report; nor can I admit that it has on the whole met with much opposition in the country. It is true that we have advocated the exclusion of Greek from schools below the first grade—that is, for boys who leave school at about 16 or under. I am much obliged to the noble Duke for the compliment he has paid me as not having forgotten the Greek I learnt at school and college. It is because I know Greek—because I know something of its beauty, its value, its difficulty—and I appeal to my noble Friend opposite (the Earl of Carnarvon), who has also kept up his Greek—that I protest against the degradation of the most illustrious language ever spoken on earth, by a wretched smattering of it being pretended to be learnt by boys who have to leave school at that early age. They have in these days many other things which they must learn, more than they used to have; and they have not time for it. In almost every case, I believe, in five years after leaving school they know no more of Greek than of the lan-

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guage spoken in the planet Neptune. For most boys the main advantage of classical learning is that it is the best way of learning grammar; and that they get by learning Latin, which I should like to see taught in every school in the country. It is true we have been partly bullied out of our position. At Bradford, where we held a public inquiry under the Act, and in many other places, we were assured by all sorts of people—I believe it might have included the whole population—that the prospects of their sons in life depended on this miserable pretence of learning Greek. All we can do is to weight it to some extent by the imposition of an extra fee. I agree to all the Amendments suggested by the noble Duke, especially that respecting our Secretary, Mr. Richmond, of whom it is impossible for me to speak too highly. My Lords, I am willing to hope the best from the new administration of the law. The law, I repeat, is unaltered; and, I believe, after the experience the Government have had, they will leave it unaltered. And if so, I do not believe they, or any future Government, will find it possible very materially to depart from the lines on which we have proceeded. I have been wondered at for calling it a “drastic” Act, and that with the 9th and 10th sections remaining in it. I am told we have neglected the great principle of compromise. Compromise! Where, I should like to know, in the Act of 1869, is there any indication of compromise? What I find there is not compromise, but thoroughness. No doubt, we may be driven to it, as we have been partly driven to it during the last two years, our existence being precarious and provisional. But I deny that such was the duty of those who had to initiate the administration of the Act. They had definite objects before them, and it was their duty to try if they could attain them; if they could look in doing so for the support of Parliament and of public feeling, even if needful, against that of trustees and of those on the spot. And if, in so doing—as we fully expected—we have been as a forlorn hope, and fallen victims to our own exertions, I am content that it should be so. For ourselves and our reputation, if I cared for that, I might venture to indulge in some hopefulness. However ill a savour our doings may have in the nostrils of some of Her Majesty’s Ministers, of many

newspaper writers, and of many Governing Bodies in the country, I venture to believe that there will be hereafter a change in this respect; and that we may even be reckoned among those just persons, I do not say who need no repentance, but of whom it is said that—

“the actions of the just  
Smell sweet, and blossom in the dust.”

EARL GRANVILLE said, he did not rise for the purpose of opposing—opposition, he knew, would be unavailing—what he might call this unfortunate measure, but of saying a few words in reference to what had fallen from his noble Friend the Lord President. His noble Friend who had just spoken (Lord Lyttelton) had touched with dignity and effect upon what might be called the personal aspect of the question, and to that part of the subject he would not further allude. He would not inquire whether the old Commissioners were unpopular, or, if they were more or less unpopular, whether the fact did not necessarily arise from the due discharge of their duties. He thought it was the worst possible example that could be set, to transfer from men whose character and eminence were beyond question, the duty of improving the endowed schools of the country simply for the reasons which had been alleged. It could not be for one of those reasons—religious teaching, for his noble Friend was one of the soundest Churchmen that he (Earl Granville) knew. He therefore wished to enter his protest against the second reading of the Bill, as he considered the measure totally uncalled for, and admittedly unintelligible. As to those clauses of it, which had been abandoned, he supposed the noble Duke opposite had said all that could be said on their behalf. He had told the House that the subject was a very difficult one to deal with, and that he agreed with the Prime Minister in the opinion, that when the clauses came to be examined they were perfectly unintelligible. Well, if the Bill was unfortunate as regarded those clauses, he was quite sure it was still more unfortunate in causing the loss to the country of such a man as his noble Friend who had just spoken. But perhaps the person connected with it who, of all others, was most unfortunate was his noble Friend and Relative in “another place,” to whom was committed the introduction of a measure which was declared to be of a warlike character as against the Nonconformists

of the country, and who was charged with the duty of explaining its provisions, because the Prime Minister was anxious to afford the younger Members of the Ministry an opportunity of distinguishing themselves. Now, he could state that no one was ever more encouraged by his chiefs than he (Earl Granville) was, in having business given to him to transact in that House which might, perhaps, have been better performed by another Member of their Lordships’ House; indeed, he might say that Lord Aberdeen, Lord Palmerston, Lord Russell, and Mr. Gladstone were always most desirous to give similar opportunities of distinction, but then it was not their custom to entrust to him or to others, with that view, measures which, after the most anxious reflection, they themselves found to be perfectly unintelligible. He should like, he might add, to know whether the draftsman by whom the Bill was drawn was the same who usually discharged the duty for the Government. He asked that question, because his experience was, that when the Cabinet had determined on a measure, Sir Henry Thring was always ready to say that, if its meaning was distinctly explained to him, he would have no difficulty in putting it into clear legal phraseology. There was a singular coincidence between the clauses to which he was particularly referring and a speech made by a Member of the Government; and he was, under those circumstances, the more disposed to think that the unintelligible character of the Bill was scarcely to be attributed to their professional adviser. The fact was, that the Government themselves had no clear idea of what they intended, and were forced under pressure to abandon those clauses. The noble Duke, he might further observe, had entirely omitted to make the pledge which he understood had been given by the Prime Minister, for the reproduction of the clauses in question next year; but it was, at all events, quite evident that the new Commissioners could not depart much from the line and the principles which had been adopted by their predecessors.

THE EARL OF DEVON said, that as one connected with the Governing Bodies of several endowed schools, he could bear testimony to the great accessibility of the present Commissioners and the great readiness which they had always manifested to discuss in the fairest man-

ner any objections which might be raised on the part of Governing Bodies, and to enter as far as possible into any compromise, with the view of meeting the legitimate wishes of trustees. The system of graded schools was one of the most important, in his opinion, which had been introduced by the Commissioners, and was well calculated to promote the cause of education. As to the system of election in the case of the Governing Bodies, he must also say that he looked upon it as a very material improvement, and as one which was likely to work satisfactorily for the future well-being of the schools. Without concurring in everything that had been done by the Commissioners, and not, certainly, agreeing with all that had been said, he felt bound to bear this testimony. Under all the circumstances, however, he did not think that there was any option left to the Government with respect to making the proposed change, which had, he believed, been made in the wisest and most simple manner. He knew two of the gentlemen who were to be appointed under the Bill, and there could, in his opinion, be no more judicious selection.

THE LORD CHANCELLOR said, that the noble Lord the Chairman of the Commission had referred to the question of the construction of the Act of 1869, and the general doctrine of charitable uses. It was quite natural that the noble Lord should refer to these topics; but at the same time, they did not appear to him (the Lord Chancellor) to be relevant to the subject now before the House. However, he rose rather to make a few remarks on what had fallen from the noble Lord the late Secretary of State for Foreign Affairs, with respect to the drafting of the measure, and he, for one, was quite ready to bear his testimony to the admirable manner in which the duties of the draftsman of the Government had for years been performed, especially when the great pressure which was put upon him towards the close of the Session was taken into account. Nothing should he deprecate so much, and of nothing should he be more ashamed, than that the Government, of which he was a Member should attempt to throw upon the draftsmen the responsibility which rested upon themselves, and he did not believe that his right hon. Friend the

Prime Minister, in any observations he might have made in reference to the Bill, had attempted to shelter the Government at the expense of the draftsmen who drew it. The responsibility for the Bill in its present and also in its original shape rested upon the Government, and upon the Government alone, and he protested against the names of gentlemen who were not there to protect themselves being introduced into the discussion.

LORD COLCHESTER said, he had always regarded the Act of 1869 as a very crude measure, and that many of its clauses had been accepted in that House merely because they were not understood. As regarded the Commissioners, he thought they had brought their fate on themselves by forgetting the proverb about giving a judgment without giving reasons, for their act had given less offence than the principle on which they rested them. He wished to see the notion which the Commissioners had adopted, that these endowments were national property, entirely repudiated, because in the words of a great authority, the State was the supreme guardian but not the proprietor of them. It was neither good policy, nor generally creditable for a great nation to seize on endowments of this character to which the national funds had not contributed a single farthing. He did not doubt that the State had its functions in reference to these schools, and his vote should always be given in furtherance of arrangements calculated to promote purposes of public utility and advantage in their management. He hoped something would be done next Session to modify the operation of the Act of 1869, and particularly of its 16th clause, which the Commissioners themselves admitted to have acted very unequally.

LORD STANLEY OF ALDERLEY said, that the noble Duke the Lord President of the Council, had not exaggerated the unpopularity attending the Endowed Schools Commission, but he thought he was wrong in attributing it to the Commissioners and not to the Act. Having voted against every scheme the rejection of which had been moved in that House, he had always heard his noble Friend (Lord Lyttelton) say, and he believed quite correctly, that the fault was the fault of the Act, and not

ing legal, and their  
the Artillery enjoyed  
practice on Plumstead  
enjoyed since 1745.

COMMISSION.

QUESTION.

PLAYFAIR asked the  
the Local Government  
he intends, next Ses-  
the recommendations  
Commission and the Select  
the House of Lords in re-  
of rivers?

MR. BOOTH: Sir, the  
Commission was ap-  
year 1865, and was re-  
1868. During the time  
elapsed they have pre-  
interesting and valuable  
sixth and final Report is,  
print, and will shortly  
Meanwhile, proposals  
on the subject were sub-  
House of Commons in  
drawn; and a Bill was  
the House of Lords last  
a Select Committee, and  
drawn. So soon as the  
in my hands, I propose  
recommendations of the  
embodied in a shape fit  
so that the Government  
determination during the  
or not it shall be sub-  
Parliament next Session.

THE CONCORDATUM FUND.  
QUESTION.

MERRINGTON asked the Chief  
for Ireland, Whether it is in-  
that the pensions charged on the  
Concordatum Fund shall in future be  
for the lives of the recipients, as  
the custom until last year; and,  
whether it is the intention of the Lord  
Lieutenant to continue the system of in-  
vestigating the claims of applicants for  
pensions charged on this Fund, which  
is established by Lord Spencer, and  
give such general satisfaction?

Mrs. MICHAEL HICKS - BEACH:  
In December last the Treasury  
advised to the Irish Government that it  
is their intention that in future no  
new pensions should be created, and  
new recipients of donations nomi-  
ated in connection with the Concorda-

tum Fund; and that, as pensions ceased,  
the Annual Vote should be gradually  
reduced and finally extinguished. It is,  
therefore, not in the power of the Lord  
Lieutenant to grant any more pensions  
from the Concordatum Fund.

PUBLIC HEALTH ACT.—FEVER AT  
CLAYTON WEST.—QUESTION.

MR. ALFRED MARTEN asked the  
President of the Local Government  
Board, Whether his attention has been  
called to a recent outbreak of typhoid  
fever at Clayton West, near Hudders-  
field; and, whether he is aware what  
measures have been taken by the Local  
Sanitary Board of that place to ascertain  
the cause of the outbreak, and prevent  
the spread of the disease?

MR. SCLATER-BOOTH: Sir, so long  
ago as the early part of July the atten-  
tion of the Local Government Board was  
called to this outbreak of enteric fever  
at Clayton West, and they immediately  
inquired of the sanitary authority about  
it. They were informed that the disease  
was attributable to the state of the drains,  
that disinfectants were being applied,  
that the sick were being isolated, and  
that steps were being taken to improve  
the water supply. So matters stood till  
last Friday, when, in consequence, I fear,  
of the extension of the epidemic, appli-  
cation was made that an Inspector  
should be sent down. This application  
will be attended to as soon as possible.

METROPOLIS.—THE REGENT'S CANAL.  
QUESTION.

MR. FORSYTH asked the President  
of the Local Government Board, Whe-  
ther his attention has been called to the  
polluted state of the water in the Re-  
gent's Canal, especially that portion of  
it in close proximity to the Zoological  
Gardens; and, if it is the fact that the  
refuse of the animals in these gardens  
is emptied in the canal; and, if so,  
whether any action will be taken to pre-  
vent the same?

MR. SCLATER-BOOTH: Sir, my  
attention has not been called officially  
to the matter; and, indeed, as my hon.  
Friend is aware, the Local Government  
Office has little to do with the sanitary  
affairs of the metropolis; but I have  
had the opportunity of making private  
inquiries, and I have been informed that

Another Amendment made, in line 24, by leaving out the word "three," and inserting the word "six," instead thereof.

Another Amendment made, in line 27, by omitting the words "at least two-thirds," and inserting the words "a majority," instead thereof.

Amendment proposed, in line 27, after the word "authority," to insert the words "and of at least two-thirds of the members of the board of guardians, and."—(*The O'Conor Don.*)

Question, "That those words be there inserted," put, and *negatived*.

Another Amendment made, in line 29, by inserting after the word "submitted," the words "then present and voting thereon."

Another Amendment made, in lines 30 and 31, by leaving out the words "signed by all such members of each of such bodies as shall have approved the same and shall be."

*Ordered*, That when in any Railway Bill a provision is inserted by which the payment of any moneys is directly or contingently charged upon grand jury cess, or any other local rate in Ireland by means of a guarantee or otherwise, such Bill shall, after the first reading thereof, be referred to the Examiners, who shall report as to compliance or non-compliance with the following Order:—

A copy of the Bill, as deposited in the Private Bill Office, shall be submitted to the grand jury or other authority empowered to present such grand jury cess, or to make such local rate, and according as the payment of any moneys is by the said Bill proposed to be charged upon a county at large, or upon one or more baronies in any county, or upon any part or parts of any barony or baronies, such Bill shall also be submitted to presentment sessions for such county at large, or for such barony or baronies, as the case may be, and also to the poor law guardians of every union in which any lands proposed to be charged with the payment of any moneys are situate.

Notice of an intention to submit a copy of such Bill to such grand jury or other authority, and to such presentment sessions and board of guardians, shall be given previously to submitting the same to the secretary or clerk of such grand jury or authority and board of guardians, and by advertisement inserted once in each of two consecutive weeks in some one and the same newspaper published in the county upon which, or upon any barony or baronies in which, it is proposed by the Bill to impose any local rate or charge, or if in such county no newspaper is published, then in some one and the same newspaper published in any adjoining county and also in some one morning newspaper published in Dublin.

A copy of such Bill shall be submitted not earlier than six months before the time fixed for the deposit of such Bill, and not earlier than the seventh day after the last insertion of such advertisement; and shall be approved by a majority of the members of the grand jury or authority, presentment sessions, and board of guardians respectively to which the same shall have been submitted then present and voting thereon, and the presentment or resolution of each of the said bodies approving the same shall be deposited at the Private Bill Office, together with a statement under the hand of the former, chairman, or other person presiding when such presentment was made, or such resolution was passed, of the number of the members then present.

To follow Standing Order 171:—

(As to bills relating to local government in Ireland.)

*Ordered*, That whenever by any Bill application is made by or on behalf of any municipal corporation, municipal commissioners, or two or other commissioners in Ireland for any new powers or for any increased or additional powers, the promoters shall be required to obtain a certificate under the seal of the Local Government Board of Ireland, setting forth whether such application is made with or without the sanction and approval of the said Local Government Board, which certificate shall be produced before the Committee to whom the Bill is referred, and shall be reported upon by the said Committee.

*Ordered*, That the said Orders be Standing Orders of this House.

#### METROPOLIS—PLUMSTEAD COMMON. QUESTION.

SIR CHARLES W. DILKE asked the Secretary of State for War, Whether it is the fact that the Artillery stationed at Woolwich habitually leave Woolwich Common and exercise over Plumstead Common, thereby destroying the surface and seriously interfering with its use for purposes of recreation; and, if so, whether he will take steps to prevent the continuance of the injury; and, whether the opinion of the legal advisers of the War Office has been taken on the point of whether such use of the Common is legal, or whether it is included in the lease of manorial rights to the War Office?

MR. GATHORNE HARDY, in reply, said, that the Artillery stationed at Woolwich did leave there and exercise over Plumstead Common, inasmuch as they were compelled to do so in consequence of not having sufficient space on Woolwich Common. As to the second part of the hon. Gentleman's Question, his answer was, that the legal advisers of the War Office were consulted in 1862

as to that course being legal, and their answer was, that the Artillery enjoyed the same right to practice on Plumstead Common which was enjoyed since 1745.

#### RIVERS POLLUTION COMMISSION.

##### QUESTION.

**MR. LYON PLAYFAIR** asked the President of the Local Government Board, Whether he intends, next Session, to deal with the recommendations of the Royal Commission and the Select Committee of the House of Lords in regard to the pollution of rivers?

**MR. SCLATER-BOOTH:** Sir, the Rivers Pollution Commission was appointed in the year 1865, and was re-constituted in 1868. During the time that has thus elapsed they have presented five interesting and valuable Reports. A sixth and final Report is, I am told, in print, and will shortly be presented. Meanwhile, proposals for legislation on the subject were submitted to the House of Commons in 1872, and withdrawn; and a Bill was introduced into the House of Lords last year, referred to a Select Committee, and afterwards withdrawn. So soon as the final Report is in my hands, I propose to have the recommendations of the Commissioners embodied in a shape fit for legislation, so that the Government may come to a determination during the Recess whether or not it shall be submitted to Parliament next Session.

#### IRELAND—THE CONCORDATUM FUND.

##### QUESTION.

**MR. ERRINGTON** asked the Chief Secretary for Ireland, Whether it is intended that the pensions charged on the Concordatum Fund shall in future be given for the lives of the recipients, as was the custom until last year; and, whether it is the intention of the Lord Lieutenant to continue the system of investigating the claims of applicants for pensions charged on this Fund, which was established by Lord Spencer, and gave such general satisfaction?

**SIR MICHAEL HICKS - BEACH:** Sir, in December last the Treasury notified to the Irish Government that it was their intention that in future no fresh pensions should be created, and no new recipients of donations nominated in connection with the Concordatum

Fund; and that, as pensions ceased, the Annual Vote should be gradually reduced and finally extinguished. It is, therefore, not in the power of the Lord Lieutenant to grant any more pensions from the Concordatum Fund.

#### PUBLIC HEALTH ACT—FEVER AT CLAYTON WEST.—QUESTION.

**MR. ALFRED MARTEN** asked the President of the Local Government Board, Whether his attention has been called to a recent outbreak of typhoid fever at Clayton West, near Huddersfield; and, whether he is aware what measures have been taken by the Local Sanitary Board of that place to ascertain the cause of the outbreak, and prevent the spread of the disease?

**MR. SCLATER-BOOTH:** Sir, so long ago as the early part of July the attention of the Local Government Board was called to this outbreak of enteric fever at Clayton West, and they immediately inquired of the sanitary authority about it. They were informed that the disease was attributable to the state of the drains, that disinfectants were being applied, that the sick were being isolated, and that steps were being taken to improve the water supply. So matters stood till last Friday, when, in consequence, I fear, of the extension of the epidemic, application was made that an Inspector should be sent down. This application will be attended to as soon as possible.

#### METROPOLIS—THE REGENT'S CANAL.

##### QUESTION.

**MR. FORSYTH** asked the President of the Local Government Board, Whether his attention has been called to the polluted state of the water in the Regent's Canal, especially that portion of it in close proximity to the Zoological Gardens; and, if it is the fact that the refuse of the animals in these gardens is emptied in the canal; and, if so, whether any action will be taken to prevent the same?

**MR. SCLATER-BOOTH:** Sir, my attention has not been called officially to the matter; and, indeed, as my hon. Friend is aware, the Local Government Office has little to do with the sanitary affairs of the metropolis; but I have had the opportunity of making private inquiries, and I have been informed that

little more than surface water passes from the Zoological Society's Gardens into the Regent's Canal, the whole refuse of the animals being removed by a contractor; and that when the water draining from the gardens into the canal was examined some time back by the medical officer of health of St. Pancras, it was pronounced to be free from deleterious matter, and far purer than the water of the Canal itself.

METROPOLIS—HYDE-PARK CORNER.  
QUESTIONS.

MR. W. GORDON (for Sir CHARLES RUSSELL) asked the First Commissioner of Works, Whether he is in a position to state the nature of the Government proposals to relieve the pressure of traffic between Hamilton Place and Grosvenor Place; and, if the plans for carrying out this object can be shown before the close of the Session?

LORD HENRY LENNOX: Sir, I have decided what I think will be the best means of relieving the traffic. The plan, which it will be my duty to submit, and which I hope may meet with the approval of Parliament, is designed to divert a large part of the traffic by making a road across the Park from Hamilton Place to Grosvenor Place. This road will be 700 feet long, and 60 feet wide, and will be made with the easy gradient of 1 in 60, passing under Constitution Hill by means of a bridge; that bridge will be 16 feet high over the proposed road, that being the height prescribed for railways when passing over a road. The alteration in the gradient of the proposed bridge, as regards Constitution Hill, will be scarcely perceptible. By permission of the Serjeant-at-Arms, the model will be placed in one of the Committee Rooms to-morrow; and as many hon. Members may be leaving London, I have placed in the Library to-day the plan from which the model was made.

SIR JAMES HOGG said, he should like to know from the noble Lord whether it was likely the work would commence early in the Autumn, so as to remove the inconvenience as soon as possible?

LORD HENRY LENNOX said, that as the Question involved an expenditure of public money, he could not give the hon. Gentleman any promise, without

the concurrence of his right hon. Friend the Chancellor of the Exchequer. He could, however, assure him that they would be commenced as soon as possible.

IRISH FISHERIES DEPARTMENT—  
GUNBOATS.—QUESTION.

MR. O'CLERY asked the Chief Secretary for Ireland, Whether it is the intention of the Government to carry out that portion of the Report of the Inspectors of Irish Fisheries, with regard to having a cutter or gunboat placed permanently under their control for the protection of the fisheries, and to enable the Department to carry out desirable experiments; and, whether it is the fact that, although the Scotch Fishery Board has for this purpose a vessel of 100 to 150 tons, with a crew of 22 men; and, when required, the aid of as many gunboats as may be necessary, the Irish Fishery Department has not under its control even one such vessel?

SIR MICHAEL HICKS-BEACH: Sir, the recommendation to which the hon. Member alludes is contained in the Report of the Inspectors of Irish Fisheries, which has been recently issued, and the Government have not yet had time fully to ascertain whether the requirements of the Fishery Department demand the exclusive use of a cutter or gunboat. I may say, however, that whenever the Inspectors have asked for the use of a Government vessel to enforce the fishery laws or preserve order, their request has been invariably complied with, as far as practicable with other demands on the Royal Marine. For example, they have had the use of gunboats on the East Coast of Ireland, where the herring fisheries are carried on; on the South Coast, at Kinsale, for the preservation of order during the mackerel fishery; and for the salmon fishing at the mouth of the Blackwater, near Youghal. The Scotch Fisheries are much more extensive, and are resorted to by more fishermen of foreign nationalities; and it cannot but be a satisfaction to any one connected with Ireland that it should be more easy to preserve order among her fishermen, and to secure the due execution of the fishery laws in her waters, than is the case in Scotland.



# THE MAGISTRACY—ROCHESTER CITY BENCH.—QUESTION.

Mr. GOLDSMID asked the Secretary of State for the Home Department, Whether it is not the case that it has been for some years the constant practice of Lord Chancellors to communicate with the corporations of boroughs before new magistrates are appointed; why this practice was not observed in the case of the recent appointments at Rochester; and, whether, with reference to the Home Secretary's statement as to the political opinions of the Justices of Rochester, any record exists of the political opinions of justices; and, if so, on what authority he made that statement?

Mr. ASSHETON CROSS: I have, Sir, communicated since the Question was put on the Paper with my noble Friend the Lord Chancellor. He is most ready at any time to receive and give the fullest consideration to any representations which municipal corporations may desire to make to him as to the necessity for any addition to the Bench, and as to the names of persons which they may desire to submit to his consideration with a view to their appointment. At the same time, he considers that the responsibility of selecting and appointing proper persons for the Bench belongs to him, and not to the municipal corporation or any other person or persons; nor can he admit the right of any corporation or persons to require him to make a communication to them previous to appointing magistrates. Of course, he cannot undertake to say what has been the practice of previous Lord Chancellors. The magistrates of Rochester must be very extraordinary persons indeed, if they think their political opinions are not known. It is very well known what are the political opinions of magistrates in the county with which I am connected.

Mr. GOLDSMID said, he should repeat the Question as to the authority on which the Home Secretary made a statement respecting the political opinions of the justices of Rochester.

# IRELAND—OYSTER BEDS OFF WEXFORD AND WICKLOW.—QUESTION.

Mr. O'CLERY asked the Chief Secretary for Ireland, Whether the Irish Fisheries Department has received any

information with regard to the existence of large unworked oyster beds off the coasts of Wexford and Wicklow; and, whether the Inspectors have taken, or propose to take, any steps to ascertain if such oyster beds exist?

Sir MICHAEL HICKS-BEACH: Sir, some Arklow fishermen reported to the Inspectors of Fisheries over a year ago that they believed, owing to having taken up some oysters when engaged in fishing operations outside the Kish Bank, that an oyster bed existed there. The place the fishermen indicated is nearly 14 miles from the shore, and dredging operations can only be carried on during fine weather. The Inspectors of Fisheries contemplated making some investigations last year, to ascertain whether the supposition of their informants was correct, but other engagements prevented them until the season became too advanced. Before this summer is over they propose doing so, and intend forthwith applying for a Government vessel for the purpose, which will probably be granted. The place where the fishermen got the oysters lies off the Wicklow coast, more towards Dublin than Wexford.

# IRELAND—IRISH FINES FUND. QUESTION.

Mr. REDMOND asked the Chief Secretary for Ireland, If he proposes to take any step to put an end to the payment of five hundred pounds annually out of the Irish Fines Fund to the Consolidated Fund, the office on account of which such payment was formerly made having been abolished so long since as the year 1850; and, whether he is aware that no provision exists for superannuation or retiring allowance for the Registrar of Petty Sessions Clerks in Ireland and the officers in his department; and, if it is the intention of the Government to make any provision for that object?

Sir MICHAEL HICKS-BEACH, in reply, said, he had made it his duty to make a communication to the Treasury on the subject, but he was sorry to say they had not consented to give up the annual payment. He hoped, however, to prevail on them to do so, and should be glad if he succeeded. With regard to retiring allowances for the officers in the department, the Treasury could hardly be expected to provide them, as

the hon. Gentleman must be aware that the department was sustained entirely by the Fees Fund, not by payments from the Exchequer.

METROPOLIS—BOW STREET POLICE COURT.—QUESTION.

MR. RUSSELL GURNEY asked the First Commissioner of Works, Whether his attention has been called to the utterly insufficient accommodation at the Bow Street Police Court, and, when a new Court is likely to be provided, for which £10,000 was voted by Parliament in the last Session of Parliament?

LORD HENRY LENNOX, in reply, said, the attention of the Office of Works had for two years been constantly called to the insufficient accommodation at Bow Street Police Court. It was true that a sum of money had been expended last year under the sanction of Parliament towards the purchase of a new site in Castle Street, Leicester Square; but the Secretary of State for the Home Department had requested him to cease looking to that site, as another part of London would be more convenient for carrying on the Police duties of the Metropolis.

MERCANTILE MARINE—OCEAN ROADS. QUESTION.

MR. ANDERSON asked the President of the Board of Trade, If, since the question was last asked, he has given any attention to the subject of Ocean Roads, or if he will do so during the Recess, with the view of endeavouring, in concert with other Governments, to establish certain sailing tracks to reduce the risk of collision at sea?

SIR CHARLES ADDERLEY: Sir, the subject of ocean roads has long been under the careful consideration of the Board of Trade; but it is found very difficult and not desirable to fix a compulsory rule. In most trades, and in the Atlantic particularly, the route is necessarily affected by the season. Ocean roads are not so important as roads in more confined waters, as the English and Irish Channels; and the ocean route adopted by the Cunard Company ceases to be of use at the two extremities, where most needed. The subject is surrounded with difficulties, and the Board of Trade do not as yet see their way to recommending legislation on it. The

North Atlantic Steam Traffic Conference last March deprecated any compulsory rule. The late Admiral Fitzroy thought it impossible for sailing vessels. A Bill has been introduced on the subject Congress, not by the Government—nothing has been enacted. Inquiries being made, and communications being passed with other countries on the subject.

JUDICATURE ACT—BILLS OF SALE AMENDMENT BILL.—QUESTION.

In reply to Sir HENRY JAMES and ROEBUCK,

THE ATTORNEY GENERAL: that when the Supreme Court of Judicature Act (1873) Suspension Bill got to Committee, he would explain the course which the Government intended to take with regard to it. With reference to Bills of Sale Amendment Bill and County Courts Bill, which stood on the Paper for a second reading, he would explain that these were measures which had been introduced by the Lord Chancellor, in consequence of numerous representations made to him from different parts of the country. They had, however, arrived at a period of the Session when it would be impossible to proceed with them, the more especially as they could not be taken after half-past 12, in consequence of Notices for their rejection having been placed upon the Paper. He should in consequence, when these were reached, move that the Order be discharged, and that the Bills be withdrawn.

PUBLIC WORSHIP REGULATION BILL  
(*Mr. Russell Gurney.*)

[BILL 236.] THIRD READING.

Order for Third Reading read.

Motion made, and Question proposed: "That the Bill be now read the third time."—(*Mr. Russell Gurney.*)

MR. DISRAELI: Sir, I think it will be for the convenience of the House if I read a letter which I have just received with reference to the office of Judge under the Bill. It is as follows:

"House of Lords, S.W., August 3, 1873.

"Sir,—We have the honour to inform you that we intend to submit to the Crown, through you, the name of Lord Penzance for the office of Judge under the 'Public Worship Regulation Bill,' in case that measure shall become law.

*Sir Michael Hicks-Beach*

"Lord Penzance has consented to undertake the office, subject to the provisions as to salary and emoluments which are embodied in the Bill, and which may hereafter be made by Parliament.

"We think that it may be convenient to the Government to be made aware of this, even before the passing of the Bill, and we feel confident that the name of Lord Penzance will have the approval of the Crown.

"We believe that we shall be able to submit to the Government a plan by which a salary might be provided for the Judge by a re-arrangement of ecclesiastical fees.—We are, Sir, your faithful servants,

"A. C. CANTUAR.

"W. EBOR.

"Right Hon. Benjamin Disraeli, M.P."

The House will observe that the statement of the conditions under which Lord Penzance has agreed to accept the office vary from the explanation I made on a previous occasion with reference to the disposition of the Judge in regard to it, and Lord Penzance has very properly called my attention to the apparent inconsistency between the views which he has always held and the statement I made in the House two or three days ago. The fact is, the misconception that has arisen has been occasioned by a peculiar, but a very simple cause. When I referred to a Judge, and the condition on which I had reason to hope he would accept the office, I really did not refer to Lord Penzance, but to another eminent and distinguished Judge. Therefore, Lord Penzance is under an erroneous impression in supposing that I made, on his part, a statement to the House to which he had not given his adhesion. I, therefore, wish to take this opportunity of explaining the apparent inconsistency, and to express my conviction that the conditions under which Lord Penzance has stated his readiness to take this office are not only just, but reasonable and liberal.

MR. GLADSTONE: Sir, I wish also to say a word to remove a misapprehension. I should be very sorry that there should be any misconception about the expectations of the Archbishops in regard to the payment of the salary of the Judge out of ecclesiastical fees. I think it may be perfectly possible that these fees may be available and entirely sufficient for the purpose, but in speaking of fees in the recent debate as being entirely unreal, it was my intention to signify a different opinion, and to state that if the salary had been fixed upon the Common Fund of the Ecclesiastical

Commission, all prospect of the re-adjustment of the fees for the purpose of recouping the money would be quite out of the question. I shall be very happy, however, if the expectations formed by their Graces the Archbishops are realized by the result.

MR. KNATCHBULL-HUGESSEN: Sir, before this Bill is read a third time, I desire to say a few words upon it, the more especially since I have taken no part in the discussion during its progress through Committee. Perhaps, in so doing, I may be permitted to set myself right with the House with respect to certain words of mine upon a previous stage of the Bill. I am told that I am supposed to have threatened what is called "factious opposition" to the Bill, and it is possible that words hastily spoken may have borne that construction. Nothing, however, could have been further from my intention. That which I intended to convey was this—that if the Bill was to pass during the present Session, the House must be prepared to sit for a longer period than was at that time contemplated, inasmuch as every detail of the Bill would have to be closely scrutinized before such a Bill could become law. Well, Sir, I think that has been done, and, moreover, the passing of the Bill has been purchased on the part of the Government by the sacrifice of more than one of the most valuable and generally popular measures upon which they had staked their legislative credit for the Session. The alterations which have been made in the Bill are considerable, and I propose to enumerate three of them. First, the delay for which I earnestly pleaded upon the second reading, has been so far granted, that the Bill is not to come into operation until July in next year; Secondly, the Judge is no longer to be paid out of funds heretofore appropriated to the augmentation of poor benefices, against which I was the first to protest upon the second reading; and thirdly, sins of omission, as well as commission, are to be included within the offences with which the Bill is to deal. However, speaking only of details, there are at least two great blots left in the Bill. In the first place the Bishops themselves are not to be amenable to the law which is to govern their clergy, so that the officers and soldiers of the Army are to be subject to different rules of discipli-

I doubt whether this will promote the efficiency of the service. But the second is, in my opinion, a still greater blot. When it was proposed to make the Bishops amenable to this law, we were told that it would be an insult to them, and that their discretion might be trusted to keep them within the law. And, in the matter of initiating proceedings under this Bill, a discretion was in the first instance given to the Bishops. But, as the Bill advanced, the opinion of its authors as to the discretion of the Bishops seems to have changed, and this discretion has been taken away, or, at least, left only one-sided. It has been said that a Bishop is in this instance to discharge the functions of a grand jury. Well, if a grand jury finds "a true Bill," the prisoner is tried; if a grand jury finds "not a true Bill," the prisoner goes free without an appeal. But here you entirely reverse the process. The clergyman complained of is indeed to be tried, if the Bishop finds "a true Bill," and no appeal is given to him; but if the Bishop finds "not a true Bill," the prosecution has an appeal which is denied to the clergyman; and this you call fair play! Surely, there ought either to be no appeal, or an appeal for both sides. I can only hope—and I confidently expect—that this unfairness will even yet be remedied in "another place," before this Bill becomes law, and that the maturer consideration of this House will confirm the alteration. But, Sir, whatever improvements have been, or may be made, I cannot pretend to regard the Bill with satisfaction. In the debate upon the second reading, I ventured to make a prophecy, which was received, as prophecies usually are received in this House, with some laughter and more incredulity. The Bill had been described as a simple Bill, dealing only with forms and excesses in Ritual observance. I ventured to say that there was a power behind, urging forward this Bill, which would not allow its promoters to stop at the point at which they professed to wish to stop. I humbly submitted that from dealing with symbols of doctrine, the step was very short to dealing with doctrine itself, and that this would infallibly follow. Well, Sir, what has happened? Even before this Bill went into Committee, an Instruction was moved, with a view to bring within its scope offences

of substance as well as form. This Instruction was only withdrawn upon the promise of the right hon. and learned Recorder—somewhat hastily given—to introduce some such measure next Session; and the House will, perhaps, now perceive that in passing this Bill, we have only entered upon a course of ecclesiastical legislation of which the end is not yet apparent. Sir, I am not going to enter into any lengthened criticism of the Bill. The House has determined that it shall pass, and no doubt it will pass. But I would call attention to the different aspects under which it has appeared before us. At first it was called a small Bill, a little Bill, a mere Bill of procedure, which would not alter the law. Then the right hon. Gentleman the Prime Minister gave it a new title. The right hon. Gentleman said nothing upon the Bill for some time. His Secretary of War had spoken against the second reading, and his Chancellor of the Exchequer and Postmaster General had given votes indicative of their opposition to the Bill. But when the feeling of the House had been declared unmistakeably in its favour, the right hon. Gentleman not only rose and supported it in this House, but, speaking at a civil festival, he actually took credit to his Government for having, as a Government, supported the Bill; and—as he called it—"grappled with the mysterious disturbance" which had arisen among us. The action of the right hon. Gentleman appears to me to merit a somewhat different description: it has been rather that of a man watching two others fighting, without interfering with them, and then, when one has knocked the other over, jumping upon the man that is down. But, Sir, I said that the Prime Minister gave this Bill a new title; he called it a "Bill to put down Ritualism." I will venture to give it a title which I believe the result will show to be still more appropriate. I will term it "a Bill to expedite the Disestablishment of the Church of England." Sir, for opposing this Bill I have been called a "Ritualist." I do not much care what I am called, but no accusation could be more untrue. It is not because it attacks "Ritualists" that I have opposed this Bill; but because I believe it tends directly to the disestablishment of the Church of England, and that disestablishment I do not desire. Why, Sir,

*Mr. Knatchbull-Hugessen*

what is the Church of England? My hon. and learned Friend near me (Sir William Harcourt) says it is a Protestant Church. Well, Sir, I am not going to quarrel with my hon. and learned Friend over that designation. My hon. and learned Friend is a formidable person to contend with; he argues against you at night, and writes against you in the morning. But here, at least, I am happy to be able to agree with him. We are a Protestant Church, in that we protest against what we believe to be the errors of the Church of Rome. But the Church of England has not only a religion of negation. We have a positive Catholic faith as well as a negative Protestant disbelief; and if we had not, we should be unworthy of the name of Church. But we call ourselves a National Church. What does that mean? It means that we desire to represent the nation, and we take nationality as our bond of union. To maintain that bond, it is necessary to keep the basis of the Church as broad and comprehensive as possible, and to tolerate within it as wide a divergence of opinion upon points of doctrine, as is compatible with the maintenance of the fundamental truths of Christianity. The moment you encourage one party in the Church to war against the other—the moment you facilitate and stimulate attacks, first upon the symbols of doctrine, and then upon doctrine itself, that moment you strike a blow at the comprehensiveness, and so at the nationality, of the Church, and you enter upon a course which can only end in its disestablishment as a national institution. The right hon. Gentleman the Prime Minister says this is a Bill to put down Ritualism. Put down Ritualism? Why, you could not do more to encourage Ritualism than by making martyrs of Ritualists. And what are you going to do? You are not only going into country parishes, to liberate congregations upon whom innovations have been thrust by their clergymen against their will, and in opposition to their feelings. You are going to deal with churches in London and other towns where the clergymen who delight in Ritualistic practices are supported by large and enthusiastic congregations, and you will put it into the power of a few individuals who never attend the church, and who have nothing to do with the congregation, to stir up strife

and create schism and dissension. Why, Sir, no Church can stand the perpetual blister which this Bill will impose upon it; it can result in nothing else than disestablishment. The one hope we may have, is that the Bill will be so little acted upon as to become a dead letter; but if the contrary be the case, and if, as I fear, disestablishment follow, the persons responsible will be first, in the Upper House, the two Archbishops of the Church; and secondly, in the Lower House, the Conservative Prime Minister. Sir, I have made these observations with the greatest respect for the majority of the House, who are in favour of this Bill. But, with equal respect, I would remind them that majorities are not always right. Little more than 20 years ago, an enormous majority passed the Ecclesiastical Titles Bill. And yet that Bill has remained a dead letter ever since, and has only recently been repealed by common consent. ["No, no!"] At least, then, it has been repealed, and I believe that, with perhaps one or two exceptions, English statesmen of the present day think the less said about the Ecclesiastical Titles Bill the better. Sir, I hope the Bill now before us may work no greater evil. I object as much as any one to the fantastic excrescences of Ritualism, and if I thought this Bill would only deal with such cases, I would have readily supported it. My fear is that instead of merely cutting off a diseased limb, this measure will inflict mortal wounds upon the whole body. I fear that it will be used against a valuable body of clergy who have done, and are doing, good work which ought not to be interfered with. Since, however, the will of the House has been emphatically pronounced in favour of the Bill, I have been unwilling to delay it by moving small Amendments in opposition to the general feeling, and I have thought that such abstinence was at once wiser and more respectful to the House than taking part in any factious opposition to the measure which the majority has resolved to pass.

MR. BERESFORD HOPE: Mr. Speaker—I, like my right hon. Friend opposite, endeavoured to facilitate and not to oppose the passing of the Bill in Committee, as soon as I realized that it was the wish of the House, mistaken as I own I think that wish to have been.

I felt it my duty not to attempt to defeat it by delay; while, in Committee, I took my part in mitigating its unfair and oppressive character with respect to one section of the Church. It is on behalf of that section of the Church that I now desire to address a few words to this House, and they shall be plain and honest words. I am not speaking as a Ritualist. I am not a Ritualist, but an old-fashioned and a moderate High Churchman; a High Churchman of that school which has come into active prominence within the last 40 years; and my opinions on Ritual and Ceremonial were formed before the modern school of so-called Ritualists came into existence. I hold them independently of that school; and whatever may be its fate, I shall continue to hold them still. On behalf, then, of the great body of High Churchmen, I protested and still protest against the unfair manner in which the word "Ritualism" has been handled in these debates, so far as that word has been used to define what may be against the letter or the spirit of our Reformation, and the letter and the spirit of the Prayer Book in which that Reformation is enshrined. I protest against it. I am a Churchman of the Church of England. I am a Reformer, just so far as the Church of England is reformed. I am a Protestant, just so far as the Prayer Book makes me a Protestant. I am an anti-Roman, thoroughly and entirely. Against everything that is adverse to the letter and the spirit of the Prayer Book, whether smelling of Rome or of Geneva, I protest; and anything which, without being strictly illegal, is unwise or extravagant, and forced upon ignorant or unwilling congregations by the fancy, the caprice, or the ill-guided zeal of hot young men, I stigmatize as folly. Why then, you may say, do I oppose this Bill? The Bill was first introduced in "another place" by those who, I contend, ought to have been at once more guarded and more sympathetic in their words—being the pastors and the rulers of the entire Church, of the Ritualist as much as of the Evangelical or the Broad Churchman—words which tended rather to promote than to allay popular discontent by inflating vague suspicions and yet refusing to point them to any definite object. And when it was brought in here, as we know, it was recommended

by an authority, to which we looked for guidance and moderation, as a Bill to "put down Ritualism." Again I ask, what is Ritualism? Say it is to put down unlawful practices in the Church, that it is to regulate the relations between Bishops, parish priests, and congregations; do that, and invite us to consider it on its merits, and on its merits we should consider it; but begin by giving a bad name to a set of men in the Church, derive a tyrannical and one-sided use to put your Bill to, and of course you raise suspicious opposition, and the common feeling of fair play begets a spirit of the strongest antagonism. So has it been since that unlucky day in March, when, for the first time, all the other clergy and laity, and some even of the Bishops, saw the draft of a scheme, not brought out in a formal shape, not reduced to heads, but in a jaunty, airy way played over in a leading article of a leading newspaper. In short, the thing was ill-started, ill-launched, ill-conceived from the beginning; and it is only through the exercise of unrelaxing moderation, and the determined effort of self-abnegation on the part of its opponents, who have shown themselves more ready to mend the badly constructed scheme, than to try conclusions with its authors, that the measure has reached its present stage. I am thankful to say that the Bill came down to us from the House of Lords in a better and more satisfactory shape than that in which it was brought in there, though, still, as I think, it is in a very unsatisfactory condition. In this House it has certainly been improved; and while all along opposing the Bill and protesting against the heat and vehemence of those who forced it on, we have readily acknowledged those improvements. The first is the postponement of the date at which the Bill is to come into operation, whereby time will be given for matters to settle down, feelings to become cool, and the voice of the Church to be heard. The next improvement carried, let me note, by a narrow majority, was the one moved by my hon. Friend the Member for the City of London (Mr. Hubbard) to make the defect of ornament or vestment as cognizable as its excess. That has made it a fair Bill in the sense of converting it into a two-edged sword instead of a one-edged knife, sent into the field

of the Church to cut down the too ob-  
 susive poppy-heads on the left hand not  
 less than the right. Now, I thank the  
 House for these two concessions, and for  
 the first, the promoters likewise. But  
 this brings me to that which I think,  
 and have always thought, and never  
 hesitated to say, was the great danger of  
 the Bill. I claim for the High Church  
 party in England for the last 40 years  
 that they have done, and are doing, a  
 great and good work in the Church of  
 England. I claim for the High Church  
 party in England that they, above all  
 men, have placed the Church in that  
 position of moral, of spiritual, and of  
 material strength which she now holds.  
 Very different, indeed, is that position  
 from the one she filled in the reign, for  
 example, of George IV. During that  
 interval churches have been built in  
 every quarter of the country; thousands  
 of old churches have been restored;  
 cathedrals have been raised to the  
 level of their high functions; the House  
 of God has been open on week days  
 and holy days, as well as on Sundays,  
 communions have been multiplied, con-  
 firmations brought home to the rural  
 parishes; sermons are now preached in  
 the naves of Westminster Abbey and  
 St. Paul's Cathedral; and of our pro-  
 vincial minsters, works like that con-  
 ducted by a Hook at Leeds, a Goul-  
 burn in Paddington, and a Wilkin-  
 son in Belgravia, have testified to the  
 latent strength of the Church organiza-  
 tion. The missionary at home and  
 abroad has been carrying his life in his  
 hand; delicately nurtured women have  
 made self-sacrifice for their suffering  
 fellow creatures; hospitals and schools  
 have multiplied in direct subordination  
 to the Church's laws of charity and  
 order; and in particular the develop-  
 ment of our national school system,  
 has revealed a wide appreciation of the  
 Church's method of education, and  
 thereby fostered that opposition of other  
 organizations to the 25th clause of the  
 Elementary Education Act, which other-  
 wise would be so unaccountable a caprice.  
 All these things I unhesitatingly claim  
 as visible results of the High Church  
 movement of the last 40 years. I do  
 not say that they are the work of the  
 High Church party exclusively. I am  
 ever ready and anxious to do all honour  
 to the earlier movements of the Evan-  
 gelicals — to the self-denial of those

great men of 70 or 80 years ago, who  
 developed and gave an impulse to the  
 feeling of personal religion in a sceptical  
 and material age. That was the foun-  
 dation on which the superstructure  
 of corporate church life had to be  
 raised, and this was done by the High  
 Church party, while *pari passu* other  
 parties in the Church went on in the  
 path of material improvement. I give  
 them all credit for the work they have  
 done and are doing; but the motive  
 power which has impelled them to con-  
 tend in a noble rivalry was the High  
 Church movement. Having said that—  
 and I should be a coward if I said less—  
 let me add that none of us who have  
 studied the literature of the day, and es-  
 pecially that most waspish literature, the  
 complaints of the religious press, could  
 fail to see that alongside of this Church  
 movement there has been the growth of  
 a bitter spirit, of what I must call, not  
 offensively, but as the only term which  
 can embody my meaning, Puritanism.  
 This spirit has been as unfair as bitter,  
 ever refusing to acknowledge the good  
 done, and indefatigable in dogging the  
 mistakes whether in word or deed of  
 over zeal. There have been plenty of  
 these, no doubt, for no great movement  
 has ever gone on in this world without  
 much to blame in it, much to regret, and  
 much which had better never have been  
 done; and the High Church movement  
 is no exception to this general rule. It  
 has accordingly been systematically mis-  
 represented, and above all things it  
 has been taunted with that hateful  
 word which always makes the British  
 public oblivious of logic and blind to  
 fact—the word Popery. I saw, and others  
 saw too, that this Bill, used as it might  
 be, and in the way in which many  
 persons designed to employ it, would not  
 be one to regulate and prevent excesses  
 and extravagances in public worship,  
 still less one that would provide against  
 deficiencies. Indeed, it was not until  
 the division took place on the Motion of  
 the hon. Member for the City of London  
 that these deficiencies had any recognized  
 place within it. It was a weapon ready  
 to hand for that antagonistic party to  
 put down that healthy development of  
 corporate worship in the Church of  
 England, of which I believe the great  
 majority of hon. Members in this House  
 would be very sorry to see the overthrow.  
 I trust that may not now be its effect;

but it would have been such an instrument, had it not been sharply criticized and opposed very strongly, although, I contend, in a legitimate and reasonable manner. Another reason which led me to look on the Bill as inopportune was the period which was selected for its introduction—namely, the very time when the Church itself, by the invitation of the Government, was engaged in reconsidering its ritual and rubrical law. The Ritual Commission was the offspring of the Conservative Government which was in office before the late one. It examined and considered the matters which were submitted to it with the greatest care; some of its recommendations have been embodied in two Acts of Parliament—the new Lectionary Act of 1871, and the Act of Uniformity Amendment Act, which legalized the shortened services in 1872, both of them measures with a scope beyond their formal titles. Whatever may be the constitutional relations of the Convocation to this House—a matter upon which I do not enter now—it is certainly, as an assembly of representative churchmen, as a Committee of learned men, worthy of all respect. The Convocation of the Province of Canterbury has maturely considered, and brought out in its Lower House, a body of amended rubrics, built upon the fourth Report of that Ritual Commission, of which I have the honour to be a Member, and it might have proceeded further with its task this year had the Letters of Business been granted to it earlier. But by the month of July next year I trust that more complete results from that work will be before the public. If a series of amended rubrics can be agreed on, there will then be an intelligible basis for the action of the present measure. Men's passions will have had time to cool down in the interval, so I trust that when the period of action is reached, it will prove to be a Bill not to put down Ritualism, nor one to put down Evangelicalism, Broad-churchism, or any other energy in the Church calculated to do good to men's souls and lead them to worship God according to their conscientious convictions; but an Act to regulate and keep all parties within the line of common sense and in sufficient conformity with the elastic law of our English Church; an Act to maintain that Church not only as an Establishment, but in its higher

and more spiritual character, as the great guide and consoler of souls, and the beacon-light of Christ's Gospel throughout the land.

COLONEL BARTELOT said, the hon. Gentleman who had just sat down had denounced to a certain extent, extravagant forms and ceremonies which he described as "the more prominent pop heads." He argued from that remark that his hon. Friend would like to cut off the heads of those "more prominent poppies." At all events, it was to be hoped that it might be done by the Bill. He would not, like the right hon. Gentleman the Member for Sandwell (Mr. Knatchbull-Hugessen) go into question whether that was "a little B or a small Bill." In his (Colonel Bartelot's) opinion, it was an exceedingly important Bill, the most important the House had had before it during the Session. It was a Bill which had recommended itself to the vast majority of people of this country. It had been supported by overwhelming majorities in that House, and those majorities reflected the feeling of the country from one end to the other. He wished for a moment to thank the right hon. and learned Gentleman the Recorder for the tact, courtesy, and kindness with which he had dealt with the difficult and varying circumstances of this Bill. He would also like to express his thanks to his hon. and learned Friend the Member for Oxford (Sir William Harcourt) who in his clear and plain Saxon-English had swept away those canonical webs and rubbish with which it was sought to envelope and obscure the measure, and put in plain language that the law should be obeyed by all parties. One word with regard to the appeal to the Archbishop. In the Bill, as amended in the House of Lords, the provision was contained, though no doubt it did not come down to the House of Commons. But when his hon. Friend the Member for North-East Lancashire (Mr. Holt) proposed the appeal, it was carried by a majority of 103 to 37. It was perfectly true when the right hon. Gentleman opposite, the Member for Greenwich, moved to omit that provision in the Report the majority was not quite so large, but he would say it with every respect to the Home Secretary, that without having convinced them as usual many hon. Members did follow the right



hon. Gentleman, and some of them afterwards told him (Colonel Barttelot) that they were ashamed of themselves for having run away from a principle which they had before supported. Therefore, without meaning to say anything offensive to the other House, he hoped that a proposal which the majority of this House who had consistently supported the Bill had placed in it, would receive that consideration in "another place" to which it was so justly entitled. The right hon. Gentleman opposite had extolled in the highest degree the great body of the clergy. He echoed that sentiment. He believed no body of men had ever done their duty more conscientiously, untiringly, or with greater zeal or liberality, poor as many of them were. And when the right hon. Gentleman went on to say that that appeal to the Archbishop would not be known to many of the clergy throughout the length and breadth of the land, he would go still further, and say that he hoped many throughout the length and breadth of the land would know nothing of the provisions of this Bill. There were thousands of the clergy who would do their duty, and would not have anything to suffer under this Bill. But, no doubt, there were many who would suffer. There were many who had written to hon. Members of this House in a strain for which he was sorry; but he had received letters from clergymen of all parties, stating that their unvarying wish was, that the matter should be left to be dealt with fairly by the House. The hon. Member for Cambridge University had said that the putting off the operation of this measure to next July would be a great boon to many with whom he was associated. He (Colonel Barttelot) agreed in that belief, and would only venture to hope in the meantime that Convocation might do that which they had never yet done—namely, revise the rubrics so as to reconcile them to the consciences as well as the wishes and feelings of the large majority of Churchmen. Parliament was giving Convocation an opportunity of doing so; but if they failed to do their duty, Parliament would not fail to do it. He would ask the right hon. Gentleman who had so eloquently pleaded for certain things, whether it was right that rural congregations, where these things were thought of

and talked of more than would be supposed, should be compelled to leave their parish churches in consequence of the introduction of practices repugnant to their feelings; or did the right hon. Gentleman think it desirable that people of the middle and lower classes should suffer the same penalty, because they understood neither the Ritual nor the ceremonies of the persons who had been sent down to them. That was a position in which the right hon. Gentleman would not wish the people to be placed, and yet that might have been the result of his Resolutions, had they been adopted. For his own part, he (Colonel Barttelot) had supported the Bill throughout, because he believed it would bring peace and harmony to the Church, that it would prevent the disestablishment which the right hon. Gentleman apprehended, and would maintain that union between Church and State from which all hoped so much. It was a fortunate circumstance that in this happy country, they were able to maintain that union, for the right hon. Gentleman had said that Churches when disestablished, were less free than those which were established. He therefore being anxious that Church and State should remain united and that peace should be maintained in the Church, had conscientiously and consistently supported the Bill.

MR. SCOURFIELD said, he had great pleasure in expressing his appreciation of the generous and wise concessions made by the promoters in postponing the date at which the Bill was to come into operation, as he never liked to give persons the credit of being martyrs. He regretted the appeal to the Archbishop, and he objected to it on two grounds. In the first place, by the old rule, an appeal lay against a conviction, but here there was to be an appeal against an acquittal. In the next place, as there was no higher authority than the Archbishop, it was clear that in the archiepiscopal diocese there would be no appeal from his decision. At least, he knew of no greater authority to appeal to unless it were the Archbishop's wife. That Amendment he considered to be a great defect in the measure.

MR. GRANT DUFF said, that, being one of those who did not as a matter of speculation and philosophy believe that Church Establishments could be indefi-

nately maintained, but who nevertheless hoped, till a few weeks ago, that any serious movement for the disestablishment of the Church of England would be postponed until the days of their grandchildren, he had carefully abstained from taking any part with reference to this Bill. Before, however, it passed from that House, he wished to say that he had witnessed the un-Conservative action of a Conservative Government on this and the Scotch Patronage Bill with more surprise than he had witnessed anything in that House. It seemed to him that the two Bills might fitly have been introduced on the same evening, and in a single speech, and that speech might have consisted of just one sentence from Holy Writ in the Vulgate Version. "*Et quid rolo nisi ut ardeat?*" "And what will I but that it be kindled?"

LORD HENRY SCOTT wished to say that with regard to the part he had taken in the discussion of the Bill in Committee, he had not been actuated by any desire to obstruct the progress of the measure, his sole object being to make it as good a Bill as possible. He believed that no party in the Church, and certainly not the High Church party, desired to defy legitimate authority. There was, no doubt, an excrescence of that party which had indulged in extravagant observance of ritual; but that extravagance had arisen, partly from the dubious state of the law, and the difficulty of enforcing it when unsatisfactorily ascertained. He trusted the Bill would clear up any misapprehension which might exist as to the state of the law, and that those who now constituted themselves the sole judges of what was right, would render it the obedience which was due from them.

MR. NEWDEGATE: Sir, as one of the majority who rejoice in the passing of the Bill, I am quite ready to concede to the minority, its opponents, that on the whole, they have let us off easily. I would not say anything so disrespectful to those right hon. and hon. Gentlemen as to imply that they have not manifested their usual ability in conducting their opposition; but the truth is, that this is not a Government measure, so much as it is a measure of the whole Parliament. This House was asked to pass the Bill, and the House has done so, and I claim for the Bill

that it is as much a measure of the House of Commons as it is of the House of Lords. The hon. Gentleman the Member for Elgin (Mr. Grant Duff) says he is surprised that a Conservative Government should ever countenance such a Bill as this. By saying that, the right hon. Gentleman has explained why he is a Liberal. He seems to think that the function of a Conservative Government is simply to preserve abuses. If I believed that Conservatism meant merely the preservation of abuse, I could not be a Conservative. The hon. Gentleman also alluded to the Church Patronage (Scotland) Bill. I own I felt myself some difficulty about that Bill, and havenot voted for it, and for this reason—that I thought it calculated to separate the heritors of Scotland still further from the great body of the people. But when the hon. Gentleman declares that the Bill will lead to the disestablishment of the Kirk, he will allow me to remind him that those who are avowedly in favour of the disestablishment of that Church have petitioned against the Patronage Bill. Whatever I may apprehend the effect of the Church Patronage Bill will be upon the social condition of Scotland by further separating the landowners from the people, I, nevertheless, fully admit I firmly believe that the Bill is strictly consistent with the spirit of Presbyterian Christianity. With respect to the Bill now before the House, and the reasons for its introduction, it is idle to say that there is nothing to correct. We all know that there are excesses on the part of clergymen in carrying on public worship in the rural districts. That these excesses have reached to a great extent we know. I have known firm Churchmen, who have subscribed in many instances towards the erection of Dissenting places of worship, that they might escape from those violations of their feelings which were constantly practised in too many parishes. Nay, I am acquainted with a town—I will not name the town—where such was the apprehension excited among the people by the accession of a new incumbent that a large Dissenting chapel sprung up, and was literally in use before the new incumbent had entered upon his duties, and had an opportunity of openly manifesting his opinions. Do not tell me, then, that the danger of disestablishment

from the passing of this Bill is greater than the danger arising from circumstances such as I have now described. My firm conviction is, that, if nothing had been done to correct these abuses, to bring the Broad Church clergy a little more within the compass of the law, and to prevent the adoption by the Ritualistic clergy of those symbols which indicate a decided Romish tendency; that although this feeling has not manifested itself in the usual form of agitation, there is yet a feeling rapidly spreading throughout the country that must have terminated the existence of the Church as a National Establishment. I deprecate the idea of disestablishment as much as any hon. Member can deprecate it; because I am convinced that if disestablished—the Church would be less tolerant than she has been during her connection with the State.

MR. KINNAIRD said, that it was evident from the observations of the hon. Member for Elgin, and from the speeches of right hon. Gentlemen below, that if the occupants of the front Opposition bench had been in office, this Bill would never have been passed. As an independent Liberal Member, he desired to thank the Prime Minister for the plain and unvarnished way in which he had dealt with the measure, and also the hon. and learned Member for Oxford for the cordial assistance he had rendered the Government in passing a Bill which he believed would have a most peaceful and healing effect upon the Church. It was most satisfactory that a question of that nature, so calculated to arouse feeling, should have been discussed with so little excitement. That circumstance was due to two causes—in the first place to the wise discernment which had placed the conduct of the measure in the hands of the right hon. and learned Gentleman the Recorder; and, secondly, to the good sense of the opponents of the measure, who, seeing what was the feeling of the House with regard to it, did not persist in opposing the Bill altogether, but confined themselves to amending it in Committee. But, what was to him the greatest source of satisfaction and an occasion for the highest congratulation was, the strong, unmistakeable, and irresistible determination displayed by the House to uphold the principles of the Reformation, and to insist that the

Church of England should continue a Protestant Church. The hon. Member for Cambridge University had thought it necessary to enlarge on High Churchism and Ritualism. What the Bill really proposed to deal with, was the practices of those who, as had been well said, combined the pay of one Church with teaching the doctrines of another. It was that scandal and immorality which had roused public feeling and compelled the action of Parliament. The question was not as to High Church or Low Church, but, whether these men were Protestants or Roman Catholics—whether they were loyal members of the Church of England or disguised emissaries of another Church. He did not agree with those who thought that this was the commencement of the disestablishment of the Church. In his own opinion the measure had an opposite tendency.

MR. HORSMAN said, it must be a great satisfaction to the House to find that a measure of that character had approached its last stage without exciting those animosities and heats which so frequently attended the discussion of kindred subjects. He attributed that, in the first place, to the judicious selection of the right hon. and learned Gentleman by whom the measure was introduced into that House. The right hon. and learned Gentleman the Recorder had exhibited a perfect mastery of the subject, and had treated it in a way which had secured sympathy and confidence from all parts of the House. He must add, in justice to the hon. Gentleman the Member for Cambridge University (Mr. Beresford Hope) and of those who acted with him, that that result was partly due to the good sense and judgment they had evinced in yielding to the feeling of the House of Commons, and endeavouring to amend, rather than oppose, the Bill. The greatest source of satisfaction, however, was the unmistakable and irresistible determination displayed by the House to uphold the principles of the Reformation and to insist that the Church of England should be a Protestant Church. The Bill was directed against that section of the clergy who were not Ritualists so much as Romanists. They were best described in the words used in that House many years ago by Lord Macaulay, who said he objected to clergymen of the Church of England combining the pay of one Church with teaching the

doctrines of another. Beyond that, a feeling existed in the country that there were clergymen of the Church of England, who in virtue of their sacred office, had access to homes in the most confidential character, and who, under a system of concealment and deceit, had in many instances destroyed the peace and harmony of families. Those clergymen had carried more people over to Rome than all the Popes, Cardinals, and priests in the Church of Rome. It was that scandal which had aroused the indignation of the country and caused the intervention of Parliament. The question was, whether these clergymen were Protestants or Romanists. Did they uphold the doctrines of the Church of England or were they disguised emissaries of another Church? Work was promised to the House next Session of a more serious character, but it would be very much facilitated because the strength of parties had been so clearly ascertained. He believed the work of this year would be carried out more successfully in the coming Session. The right hon. Gentleman below him (Mr. Knatchbull-Hugessen) had said, that was the commencement of the disestablishment of the Church. He hoped, however, and believed it would be very much the reverse. Indeed, his only doubt was, whether that action had not been taken too late. If it had been taken 20 years earlier it would have been better. No one could say whether it would be effectual now, but certainly it was the necessity of the case and the opinion of the country which had compelled this action. The motive was good, and he hoped the results would be effectual and advantageous.

MR. ASSHETON CROSS said, that speaking for himself, he thought he might congratulate the House and the country that they had now arrived at the last stage of the Bill, and that all these discussions, which had no doubt seriously touched the matters men had most at heart, had been conducted with the greatest possible moderation. He should not have risen but for a remark which fell from his hon. and gallant Friend the Member for West Sussex (Colonel Barttelot). It was true that he differed from his hon. and gallant Friend on one of the minor details of the Bill; but he believed that no one who had taken part in these discussions had spoken more strongly than

he had done in favour of the principle of the measure. He took an early opportunity of speaking on the second reading, and had always been anxious to see the Bill passed. He did not at all believe, that was the first step towards the disestablishment of the Church, for he could not imagine how such a result could be brought about by enacting that clergymen should obey the law which they had undertaken to obey. There would, in his judgment, have been far greater danger of disestablishment if this Bill had not been introduced. He hoped that the Bill, sharp and sudden remedy as it was, would be taken throughout the country in the sense of—as it was—a protest that, though in the Church of England, Parliament was perfectly willing to give all the liberty that was consistent with her rights and liberties, yet beyond that limit it would not allow the Establishment to go, either on the one side or on the other. The passing of the Bill would show that the law was to be upheld; and he was in great hopes that many clergymen would be perfectly willing and content to abide by that law, and that the measure would establish more permanently than ever peace in the Church.

MR. GLADSTONE said, he would endeavour to avoid even that partial reference to general topics of great breadth and importance which had been made by hon. Members who had taken part in the debate. Since the speech in which he endeavoured to open the broader aspects of the question, he had deliberately and advisedly confined himself to points of a strictly practical character, for he owned he was not so sanguine of the satisfactory effect of the great amount of ecclesiastical legislation by that House which some hon. Gentlemen, including his right hon. Friend the Member for Liskeard (Mr. Horsman), were looking forward to with eagerness and avidity. He confessed he thought that even the partial conversion of the House of Commons into an ecclesiastical Synod—constituted as it was, and appointed for other purposes—would be found to strain very severely not only the temper of the House, but its position and its working in the Constitution. As between the two opinions which had been expressed—one that the House, proceeding freely and readily in that direction, would greatly strengthen the National Estab-

ishment—and of the reason for which he quite understood the grounds—and the other that it would tend to shake and accelerate the day of the dissolution of the union between Church and State—he confessed he inclined to the latter and the more unfavourable rather than to the earlier and more sanguine view of the case. He had been compelled to rise in consequence of the speech of his hon. and gallant Friend the Member for West Sussex (Colonel Barttelot). He was unwilling to be misunderstood; but from long experience he knew perfectly well that misapprehension and misrepresentation of an involuntary character were the fate of all those who declined to concur exactly with the prevailing sentiments of the majority in times when religious feeling was to a certain degree excited. He spent the Session of 1851 in voting in minorities of about 30 or 40 against majorities of 400 or 500 on the Ecclesiastical Titles Bill. The composition of those minorities was no more attractive, than their numbers were such as to invite anyone to appear among them. In fact, those minorities were made up of Members of another religious communion from the Sister Isle—he need not describe them more particularly. Along with 30 or 35 of those hon. Gentlemen there voted about half-a-dozen Members of a now extinct political sect, called Peelites, to which he had the honour to belong, and likewise three or four good, stout, sturdy English Radicals, one of whom was Sir William Molesworth, another was Mr. Cobden, and a third was still a Member of that House, his right hon. Friend the Member for Birmingham. The reward he got for voting in those minorities was that in a religious newspaper, it was deliberately announced that he had been received into the Church of Rome. Such was the reward he then obtained. But he eventually obtained another reward. He found that the counsels of the minority were in every point borne out by the result. Not a single attempt was made to put the law which had been inscribed in the Statute Book into operation against any Roman Catholic Prelate, while the aggressive spirit, which found perhaps freer scope in that communion now than at any former period, was encouraged and pampered by the legislation into which Parliament had been betrayed. Well, after about 22

years, that statute was repealed with an unanimity—[Mr. NEWDEGATE: No, no!]  
—or an approach to unanimity, more marked than that with which it had been enacted. Of course, he did not mean to say that his hon. Friend, if he might be allowed so to call him, the Member for North Warwickshire, concurred in that repeal; but if the hon. Gentleman alone opposed the repeal, there was a greater approach to unanimity than there had been when the Act was passed. On this occasion, if the two causes had been similar, he would have adopted a like course, though he was now a great deal older, and had much less fight in him; but the two causes were not similar. In 1851 the whole attempt to legislate was, in his judgment, a folly. In 1874, however, he, for one, never denied that there was a cause for legislation. It was true he had considerable doubts as to the form and manner of legislation; but he had never for a moment denied that there was a cause for legislation, and therefore, having endeavoured to lay his views in some degree before the House, he had willingly refrained from any persistent attempt to enforce them. At the same time, he must say it was little flattering to one's vanity to find that, in the opinion of an intelligent, upright, and experienced Member of Parliament like the hon. and gallant Gentleman the Member for West Sussex, he had been so unsuccessful in conveying his ideas that the hon. and gallant Gentleman quietly, calmly, and evidently with a perfectly good conscience, got up and saddled upon him opinions directly the reverse of those which he had endeavoured practically to enforce. The hon. and gallant Gentleman appealed to him (Mr. Gladstone) on behalf of rural congregations, and said it was hard that they should be driven away from the Church, by the introduction of changes at the will and discretion of the clergyman, contrary to their own feelings and religious convictions. Why did the hon. and gallant Gentleman address such an appeal to him? He would rather address it to the hon. and gallant Gentleman, who apparently had never done him the honour of reading his Resolutions. In them it was distinctly set forth that one great cause—perhaps the main cause of complaint against the Bill—was the insufficiency of the protection it afforded

against precipitate and needless revivals and innovations by clergymen. There had been many revivals which ought not to have been allowed, and he should not be at all surprised if there were many more of these revivals under the Bill, contrary to the wishes of rural congregations. He lamented and regretted greatly that protection was not given to congregations, for during the last 40 years the greater part of the excitement which had existed in the country from time to time had been due, not to illegal, but to legal changes of Ritual, injudiciously made in defiance of local custom and feeling, and without any attempt to soothe or conciliate that feeling. He would refer the hon. and gallant Gentleman to the terms of one of his Resolutions in order to dissipate his delusion, and bring him to a correct historical view of the matter. It stated that the members of the Church should receive ample protection against precipitate and arbitrary changes by the sole will of the clergyman, which protection did not appear to be afforded by the provisions of the Bill. Therefore, it seemed that both the hon. and gallant Gentleman and himself had looked in the same direction, only he had gone a little further in that direction than the hon. and gallant Gentleman had, whilst he was now in the condition of being accused of having lagged behind. He understood the allusion of the hon. and gallant Gentleman as to the sweeping away of "ecclesiastical rubbish." The amount of his offence was, that he quoted a Statute of Henry VIII., and some other Acts of the period of the Reformation, to show what was the constitutional position of Metropolitan and Suffragan Bishops in this country; and he thought it no reproach, but the contrary, to our statute law that it was in accordance with the general voice of Christendom and of civilized mankind, which was embodied in a law which had stood the test of 15 centuries, in comparison with which our oldest constitutional law was but of yesterday. He concurred in the opinion that the vote of Friday night was a mistake, and he wished the Forms of the House had permitted another division on the subject. An examination of the Division List showed that the minority included a preponderance of Parliamentary years, and that it was made up mainly of superannuated Mem-

bers, with whom he classed himself, while the majority embraced the youth and vigour of the House and the hope of the country. If the Forms of the House admitted of another discussion, he had no doubt the vote would be reversed. He earnestly joined, however, with those who had expressed their desire that the working of the Bill might be for peace, and he had never denied there had been just cause for drawing down the displeasure of the ecclesiastical authorities, of Parliament, and of the country; but he had been anxious that they should not confound and mix together those who were contumacious with many who were among the best and most valuable servants of the Church of England, and in whose minds the utmost alarm had been created by this Bill. He had been delighted to see that the Bishop of Ely at a diocesan meeting had endeavoured to prepare the minds of the clergy and laity for the reception of this Bill. It was not in their power to anticipate exactly what its operation might be, but he was sure it would require the utmost calmness, temperance, and discretion, to give a chance of effecting the beneficial objects its promoters had in view. He would appeal to hon. Members that each in his sphere should endeavour to avoid those dangerous regions of passion, misrepresentation, suspicion, and insinuation which it was so difficult to exclude from ecclesiastical controversy, and which, when they had found their way, whether within the walls of the Synod or of Parliament, so poisoned the atmosphere that even the upright might cease to be upright men for the business of the moment, and aims the most legitimate and beneficial were frequently defeated, simply because the temper in which they were sought was a temper rather of excitement than of judicial calmness, and because the desirableness of the thing was not always sufficiently associated with true scrupulousness as to the means by which it was to be gained.

Mr. RUSSELL GURNEY said, that in reference to what had been said by his hon. Friend (Mr. Beresford Hope), he could assure him that the object of the Bill was to put down simply unlawful practices. It was not to put down any one particular party, but to put down disobedience to the law in the Church. It was on that ground alone

*Mr. Gladstone*

that he had advocated the Bill. He knew perfectly well that at the same time, it would have particular effect upon one particular section of one particular party, because that one section had been particularly disobedient to the law; because, as they said, they thought that the law was not such as they thought they were bound to obey. It had been said that the giving an appeal from the Bishop to the Archbishop was contrary to all our practice, because it was what was called an appeal against an acquittal. It was, however, not at all an appeal against an acquittal; but it was an appeal against an objection to put the law in force, and it was an analogous case to that of a man brought before the magistrates, who refused to commit him, and who was not precluded on that account from being brought before a grand jury. He joined most heartily in the concluding appeal of the right hon. Gentleman the Member for Greenwich—that they should individually and collectively do all they could to prevent the measure from being viewed in an acrimonious manner, and to prevent the peace of the Church from being disturbed. He trusted that the Bill would receive the support of the House, and pass unscathed through any other tribunal.

Bill read the third time; verbal Amendments made.

Bill *passed*, with Amendments.

#### EAST INDIA REVENUE ACCOUNTS.

##### COMMITTEE.

*Considered* in Committee.

(In the Committee.)

LORD GEORGE HAMILTON, in moving a Resolution relating to the Revenue Accounts of India for the year ending the 31st day of March, 1873, said, that the Annual Statement which was made in reference to Indian finance differed from that which was made by the Chancellor of the Exchequer, inasmuch as the Indian Statement dealt with the figures of three years instead of two years. In accordance with that practice, the figures which he had to place before the Committee, connected with the Revenue and Expenditure of India, were the Actual Accounts for 1872-3, the Regular Estimate for 1873-4, and the Budget Estimate for 1874-5. Complaints had

sometimes been made by hon. Members that they were not able to ascertain the total expenditure for a year, in consequence of the system of accounts, which excluded from the ordinary accounts the expenditure upon extraordinary public works; he would endeavour to get rid of that objection, and in order to deal frankly and fairly with the Committee, he would first state the Revenue for the three years he had mentioned, and he would place against it the total Expenditure of those three years, including all the money which had been expended upon Public Works, Extraordinary as well as Ordinary, as well as the amount expended in averting the Famine.

The Expenditure for 1872-3 amounted to £50,638,386, as against a Revenue of £50,219,489, showing an excess of expenditure of £418,897. For 1873-4, the first Famine year, the Expenditure amounted to £55,122,738, as against a Revenue of £49,478,795, showing an excess of expenditure of £5,643,943. For 1874-5—the Budget Estimate—the total Expenditure was estimated at £54,935,050, as against an estimated Revenue of £48,984,000, showing an excess of Expenditure over income of £5,951,050 making a total excess of Expenditure in those three years of £12,013,890. He would take these figures in another way excluding from the ordinary Expenditure of the year the Famine expenditure and the sums expended upon Public Works extraordinary. The Expenditure of 1872-3—was £48,453,817, as against a Revenue of £50,219,489, showing a surplus of £1,765,672. For 1873-4 the Expenditure amounted to £47,611,158 and the Revenue to £49,478,795, showing a surplus of £1,867,637; and for the Budget Estimate of 1874-5 the ordinary Expenditure amounted to £47,792,000, against a Revenue of £48,984,000, showing a surplus of £1,192,000, making a surplus for the three years of £4,825,309. If the Committee would add to the deficit of the first table the surplus of the second table they would arrive at the exact amount of money spent during the three years in the construction of Public Works Extraordinary, and in averting the Famine—namely, £16,839,199 or £6,500,250 towards averting famine in Bengal, and £10,338,949 on Public Works Extraordinary, which latter were

supposed to pay the interest of the money borrowed for their construction.

The income and expenditure of every year of Indian finance were subjected to a treble ordeal and came before Parliament in three different stages. First in the shape of a Budget Estimate, the whole of the figures of which were those of estimate. Next year the figures came before them as a Regular Estimate, composed of eight months actual accounts and four months estimate, and finally they arrived at the actual year, the whole of the figures of which were those of actual account.

He would take the Actual Accounts for 1872-3, and compare them with the Regular Estimate of last year. In the Regular Estimate of last year his hon. Friend and Predecessor (Mr. Grant Duff) calculated on a surplus, exclusive of Public Works Extraordinary, of £1,492,038; it now amounted to £1,765,672. There had been an increase under almost every head of receipt, except Irrigation Works, and the Land Revenue stood higher in that year than it had ever been before. The expenditure was £30,000 in excess of the Regular Estimate. Comparing the income and expenditure of 1872-3 with that of the former year, 1871-2, they arrived at this result—that the expenditure was about £1,500,000 in excess of the preceding year, and the receipts were about £100,000 in excess of the income of the same year.

He now came to the Regular Estimate of 1873-4, and would for a moment exclude that moiety of the Famine expenditure, which was incurred during this financial year. On the Budget Estimate of 1873-4 there had been an estimated surplus of £140,000, and so carefully were the Estimates framed that Lord Northbrook considered himself justified in abolishing the Income Tax. The surplus this year had grown to £1,867,637. There had been an increase of Revenue under 17 heads—only five showing a decrease, two of them being Land Revenue and Customs, due no doubt to the Famine in Bengal. Opium showed an increase of £822,000, and both Stamps and Excise had considerably increased. On the other hand, there had been a decrease of expenditure of £535,000, and this year was also memorable from the fact that the Army expenditure was lower than it had been since 1863-4. Last year the Govern-

ment determined to construct Public Works Extraordinary to the amount of £3,878,000 out of the Cash Balances: and they actually expended £3,591,330: yet the Cash Balances in consequence of the surpluses of preceding years stood £3,000,000 higher than was estimated last year. It was necessary during this year to spend nearly £4,000,000 in averting the consequences of famine, yet the whole of this expenditure had been defrayed out of these balances, and they only stood £910,000 lower than was estimated last year. The total Famine expenditure, as he had said, was £6,500,000, and it would be spread over two financial years in two unequal moieties—£3,900,000 over 1873-4, and £2,600,000 over 1874-5.

He now came to the Budget Estimate of 1874-5, comparing it with the Regular Estimate of 1873-4. The Revenue showed a falling-off of about £500,000; but, on the other hand, it was £700,000 in excess of the Budget Estimate of last year. The difference was entirely due to the careful estimate made in reference to the revenue which might be derived from opium. The Land Revenue showed an increase in the receipts of £364,500 over the preceding year, and stood higher than was ever known before. He would not enter into the disputed questions of permanent *revenue* periodical settlement, but would simply state that the Secretary of State was in favour of moderate assessments. The Opium receipts for the year were £7,615,000, or less by £707,000 than the Regular Estimate of the preceding year. Excise and Forests were nearly stationary. There had been a decrease of £72,000 upon Salt. This was not owing to a falling-off on the Salt Revenue, but the result of a very important Customs improvement effected by Lord Northbrook. The Committee were aware that salt was taxed at different rates and in a different manner in different Provinces of India. There was a Customs line of 2,400 miles in length; which line might be divided into two parts, one of 1,600 miles, running from the upper Indus to Burhanpur, and separating our territories from those of the native princes of Rajpootana and the Indore Agency. The other part consisted of 800 miles running from Burhanpur to the Bay of Bengal. Both sides of this line belonged to us, and the



greatest inconvenience had been experienced by the levy of duties along this inland line. There was great unanimity of opinion on this subject. Sir George Campbell who had been Governor of Bengal as well as Commissioner of the Central Provinces said—

“Throughout the Chief Commissioner's tour it has seemed to him that the Customs line has been felt by the people as a greater grievance than all other grievances put together; no one can travel along the valleys of the Nerbudda and the Wurdha without being liable to constant search by endless Customs officers of low degree, posted at very short intervals, armed with iron search-forks of the nature of cheese-tasters.”

The Indian Government had, therefore, determined to abolish this line; but, as the Salt Duty was considerably higher on one side of it than on the other, they were obliged to take certain steps to protect the Revenue. A Bill had been introduced into the Legislative Council to accomplish this important reform; and to prevent the Salt Duties from being evaded. That was done by a mileage duty on all the salt brought up from Bombay, so graduated that by the time it arrived in the Central Provinces the amount payable upon it would be as much as the present tax; and on the other side the scale was graduated in a different manner, but it was hoped with a similar result. He attached the greatest importance to that alteration of Customs duties. There were two different schools of thought in regard to the Salt Duties. Men of great experience and knowledge of India maintained that they could not diminish the high duties now levied on salt without great risk to the Revenue. On the other hand, others contended that the duty might be reduced and that the great increase of consumption would be a compensation for that reduction. There was a remarkable fact in support of the latter view—that although the tax was lower in Madras and Bombay than in Bengal, the amount of consumption per head was so much greater than in Bengal, that the actual tax paid per head in the more lightly taxed Presidencies was greater than in Bengal. He therefore thought that the abolition of the Customs line was valuable as an experiment to show whether reduction led to increased consumption. If it could be proved that the Salt Duties could be lowered without loss to the revenue, during time of emergency, it

would be possible to re-impose the higher duty, not merely upon the present consumption but upon the increased consumption created by the reduction of the duty. The Customs Duties showed an increase of £113,000. The increase and decrease of other heads of Revenue were unimportant. The Forest revenues remained about the same. The Forest revenues had been very much neglected, but the Department was now placed under the able supervision of Dr. Brandis and Colonel Pearson; and with the attention these gentlemen had given to the subject, the Forests would, it was hoped, form in future a not unimportant item of national revenue.

He now came to the Expenditure of 1873-4, which, including that of the Famine, was £1,159,408 below that of the preceding year. That was accounted for by the reduced Famine expenditure, which was less by £1,340,000 than that of the preceding year. There was a slight decrease in the charges for administration, notwithstanding the fact that a Commission had been appointed for Assam which entailed an additional charge, and there was also an increase of £42,000 for stationery. There was likewise an increase under the head of interest of £100,500, the effect of the contemplated loan operations. Summarizing the Revenue of 1874-5, he might state that the Revenue was estimated at £1,250,000 below the actual receipts of 1872-3; but that was nearly accounted for by the difference in the estimated receipt for Opium. The Expenditure, comparing it with 1872-3, was £660,000 less, and that although the Opium charges exceeded those of that year by £300,000.

He had stated that the Famine expenditure amounted to £6,500,000, and was divided between the two years. The Famine operations might be divided into five distinct heads—the purchase of grain and transport; the encouragement given by the Government to private traders by reduction of freights and suspension of tolls on roads and ferries; the employment of the able-bodied; loans to corporations and private persons; and the provision of charitable relief. The first and chief item was the purchase of grain, £4,000,000; payment to railways for transport of Government grain, £450,000; payment also for the transport of private grain, £450,000; con-

tracts for transport in Tirhoot, £435,000; Durbungah Railway, £200,000; transport, including steam-vessels from England, £499,250; charitable grants, £250,000; supervision, £135,000; making a total of £6,419,250.

He next passed to Public Works Extraordinary, with regard to which, as he had already stated on a former occasion, the Government of India determined in July 1873 to expend, during the four years ending 1877-8, the sum of £17,000,000, of which sum they proposed to expend £4,500,000 during the present year. The Committee would see that in consequence of the heavy Famine expenditure and the Public Works expenditure, it would be necessary to raise money on loan, and he (Lord George Hamilton), had introduced a Bill at the beginning of the Session to empower the Indian Government to raise £10,000,000. The Secretary of State had availed himself of that power to raise £5,000,000, and the Governor General had borrowed £2,500,000 in India. They had also received on loan a sum of £860,000 from the Maharajahs Holkar and Scindia for railways constructed through their dominions, making the total amount raised by loan £8,360,000. The total amount expended during two years in Famine expenditure and Public Works Extraordinary was £14,654,000. The difference between that amount and the amount borrowed was defrayed out of the Cash Balances, which stood excessively high in consequence of the surpluses of preceding years. There would thus be an increase in the charges of interest in future years; but, on the other hand, there would be a reduction arising through the redemption of the capital Stock of the East India Company, and the reduction on that redemption would amount to an annual saving of £446,793. Having now done with figures, he would consider the main sources of expenditure. The first item was the military expenditure, which the Indian Government, since the year 1868-9, had succeeded in reducing by about £1,000,000 sterling. Not only so, but they had maintained the European Force in as great numbers, and in a state of as high efficiency as before. That result had been entirely due to economical administration, and it was more than probable that

*Lord George Hamilton*

a still further reduction would be effected. The Secretary of State had given his sanction this year to a scheme for accelerating the retirement of officers, and Lord Northbrook attached great importance to it as the keystone for the future reforms of the Native Army of India. A Committee of that House had set to consider the subject of Home charges. They directed their attention to some of the military charges in this country, and he trusted that the results of their deliberations would tend to the reduction of the sums paid by India to this country, without imposing upon England any burden which she could not fairly be called upon to pay.

The provincial allotments were about the same as last year. The decentralization system of Lord Mayo had been greatly attacked both in and out of the House upon the ground that it would cause increased cesses, and lead to the imposition of fresh cesses in different Provinces. If any such increase had taken place, it was due, not to decentralization, but to the great improvements in judicial machinery. Lord Northbrook had collected information from the Governors of the various Provinces, and they were unanimously of opinion that Lord Mayo's decentralization scheme had reduced the friction between the Supreme Government and Local Governments; and as Lord Northbrook was aware of the importance of checking any undue local expenditure, the good to be derived in the future would be still greater than that experienced in the past.

He would now advert to the guaranteed railway system. There had been 6,201 miles sanctioned, of which 5,490 miles had been completed, and the remainder were in course of construction. The total outlay was estimated at £96,000,000 sterling, of which £92,000,000 had been spent, and the cost, including Government contributions, and one-eighth being double track, was £16,480 per mile. The loss upon the guaranteed interest was £2,110,000 in 1872-3, £1,567,000 in 1873-4, and in 1874-5, £1,391,000, showing a considerable decrease, which was due probably, to some extent, to the excessive traffic in grain for the transport of which the Government had paid. There could be no doubt that there had been a great increase in

railway traffic in India; but the increase had not been such as the Government had a right to expect, and the great difficulty as to railway success in India lay in the non-expansiveness of the passenger traffic. The Government of India had determined to construct railways in future themselves, and the want of expansiveness which had manifested itself in that traffic must be carefully taken into consideration in the sanction which might be given to the construction of railways by the State. The year, however, had not been an uninteresting one as regarded experiments in railway making. At the commencement of the Famine, a line very much of the character of a tramway had been laid down between the Ganges and Durbungah, and it had been very creditably constructed at the rate of a mile a day. It had also been shown that light railways, partaking more of the character of tramways, were what were required, rather than the costly lines we were accustomed to in England.

He passed on to the most important subject in connection with this Financial Statement, and that was the proposed expenditure on Public Works. In 1868, a stricter line was drawn between Public Works which were to be constructed out of ordinary revenue, and those which were to be constructed with borrowed money. It was then laid down that only those works which showed a fair prospect of repaying interest on the money borrowed for their construction, should be classed under Public Works Extraordinary, that was works constructed with borrowed money. The Government of India did not intend to avail themselves any further of the system of guarantee for the construction of railways. In consequence, £12,000,000 would be expended on Government railways during the next four years. The Secretary of State was most anxious that only works of a reproductive nature should in future be constructed out of borrowed money, and he had therefore intimated that only those works which would pay the interest upon the amount borrowed for their construction should be termed Public Works Extraordinary, the cost of all other works to be included in the ordinary expenditure of the year.

He (Lord George Hamilton) passed on from Public Works expenditure to

expenditure which was very closely connected with the Public Works Department, and which he would call the Famine expenditure. The Government of India had had imposed upon them during the past year the duty of saving from famine and starvation a very large number of their subjects, and Lord Northbrook and his advisers were quite prepared to submit to the result of the policy which had thus been imposed upon them. In the Financial Resolutions which were published on the 25th of April this year, the Government of India pointed out that famines in India were not like the Irish Famine, which was an exceptional occurrence; but that famines in India occurred with regularity during certain periods. During the last 10 years there had been no less than three famines—one in Orissa in 1866, another in the North-Western Provinces in 1868, and another in Bengal in 1873. Therefore, the Government of India deemed it necessary that certain provisions should be made in order to carry out this famine policy. Successive Secretaries of State had laid down, as a principle, that the ordinary Revenue should exceed the ordinary Expenditure by £500,000, and Lord Northbrook, in addition, proposed that there should be a margin besides this surplus, and that the margin should make provisions for checking the consequences of famine in the future. Now, famine might be averted, or, rather, the consequences of it, in two ways—first by pouring food by sheer expenditure of money into the distressed districts. But no return was got for that money beyond the satisfaction of saving life. On the other hand, famines could be rendered less likely to occur by famine preventive works, and a certain return might be reasonably expected from such works. He (Lord George Hamilton) had, during the short time he had held the post he then occupied, had the pleasure of talking with many men of eminence who were connected with India, and there seemed to be an almost unanimous opinion among them that there had never been a year in India in which there was not sufficient food on the Continent of India for the whole of the people in India, and that the very causes which produced famine in one part of India produced an unusually

all. There had been barracks, for example, classed as extraordinary public works. During the last seven years, which had been described as a period of great financial prosperity, the aggregate deficit had been £16,500,000; therefore, if they excluded the famine expenditure, which was stated to be £6,500,000, the deficit during that period would be no less than £10,000,000. These were not exceptional years. In the nine previous years, when what was known as the Budget system commenced, the aggregate deficit was £10,000,000, and during that time there were only two years of nominal surplus. In the three years previously to 1868-9, India borrowed £6,500,000 to make up deficiencies, and in addition to that her cash balances were reduced by £3,500,000, and therefore an addition of £9,500,000 ought to be made to the large deficit he had mentioned. He might further observe that many of the charges transferred from the Imperial to the local funds were increasing charges, and that consequently each year the amount which the local authorities had to make up had been steadily increasing. Therefore, although there might not be any increase in Imperial taxation during the last few years, yet the amount raised by local taxation during the last seven years had increased by no less than 50 per cent. The great principle to be borne in mind in regard to India was, that, from the nature of the case, her revenue only grew slowly, and unless great care was taken her expenditure must increase. In that state of things the most rigid economy ought to be practised. The slowness in the increase of the revenue could be proved by figures and also by considerations as to the condition of the population. The great bulk of the people lived by agriculture, and on extremely small wages, their circumstances resembling in some respects that of the agricultural population of Ireland immediately before the famine. With regard to the actual revenue during the last seven years—the period of exceptional financial prosperity—it showed very little increase at all, if the amount of the income tax, now repealed, was deducted. He would ask the Committee to contrast the trifling increase of revenue with the great increase in the expense of administration. Sir John Strachey said, and he entirely

*Mr. Fawcett*

concurred with him, that the increase of expenditure was due to two causes for which no one was particularly responsible. He stated that after the Indian Mutiny in 1857, the administration of India had become far more expensive, and added that in consequence of the enormous balance of trade, which necessitated a large importation of bullion into that country, a great rise in prices had been brought about. He showed conclusively also that that rise affected far more the expenditure than the revenue, thus throwing the balance on the wrong side. In 1856-7, the cost of law, justice, and police in India was £2,500,000, while in 1868-9 it was no less than £4,100,000, or an increase of 70 per cent. Taking the year 1869, and comparing it with the year 1870, he found that, while the expenditure in the former year for stationery and printing was only £170,000, it had in the latter increased to £250,000; while this year it appeared there was an increase of £40,000. Again, for the Bombay Establishment in 1856-7 the charge was £201,000, and in 1870 no less than £360,000, or an increase of 70 per cent; the household expenses of the Governor of Bombay having risen from £7,000 in 1856-7—probably owing to the increase of price—to £21,000, or 300 per cent. The medical charges, which in 1856-7 were £160,000, were in 1870 no less than £520,000, or an increase of 320 per cent. There was another way in which he thought he might make the point which he was endeavouring to impress on the Committee perfectly clear. A better illustration of the increasing costliness of the administration of India could not be given than the increased cost of collecting the revenue, and he found that the cost of collecting the land and opium revenue—he believed the same remark would apply to other branches of revenue—was just 100 per cent more than the increase in the revenue itself. But the increase in the expenditure became still more striking when the Home charges were taken into consideration. These charges were something like £15,000,000, and although he was aware that a portion of that amount was simply a matter of account, yet it must be borne in mind that in the course of comparatively a few years these charges had no less than doubled. Taking the Home charges for the present year, he found

that for absentee allowances and Civil Service furlough they had increased in a single year from £160,000 to £250,000. There was observable, too, the same constant tendency to accumulate charges on the revenues of India. For instance, when the Engineers' College at Cooper's Hill was established, he and others had objected to the proposal, because, among other reasons, it would impose a serious burden on those revenues, but they were told it would be self-supporting. Now, however, it appeared that it would entail a charge on India of £24,000 a-year, which did not include the interest on the sum which had been expended in purchasing the estate. What was the practical evidence to be drawn under those circumstances? It was that if there was a slowly increasing revenue and a rapidly increasing expenditure, there must inevitably be an increase of taxation, unless the expenditure could be kept down by practising the most rigid economy. Now, the increase of taxation was a serious thing in any country. If they wanted to raise £4,000,000 or £5,000,000 in this country to make up a deficit, there were 20 ways in which it might be done, and no one would pretend to say that it would necessarily impede the progress of the nation, although it might be regarded as an evil and a misfortune even in a rich country like England; but it would be a far greater evil and misfortune in the case of India, and in dealing with taxation in that country it was absolutely necessary that a financier should study the genius and character of the people. The Indian people loved rest and repose, and nothing annoyed them more than the threat of increased taxation. Nothing had done so much harm to our rule within the last few years as the constant proposals with which the Indian people had been worried with respect to new taxes. Not a year went by without some new cess or some petty new impost being proposed or suggested. One year it was a tax on marriage feasts, another year it was a local income tax, almost reaching the pauper with 2s. a-week, and another year it was a tax on household furniture, and so on. He understood it was insisted upon by Indian officials—for instance, by the Governor of Madras—that the time had come when the practice of worrying the people ought to be stopped, and a pledge should be

given them that except in case of war, no new tax would be imposed for the next 30 years. That would be laying down a valuable principle for the future guidance of Indian statesmen. Supposing that by embarking in some rash scheme of public works for India they were landed in a deficit of £5,000,000, what would they have to do? In England £5,000,000 could be raised by a 3d. income tax; but India was so poor that that sum could not be raised without an income tax of 2s. 6d. in the pound—an impost which it would be impossible to levy and hold the country in peace and tranquillity. What was the practical conclusion? That they should do all in their power to strengthen the Governor General and the Secretary of State in pursuing a policy of economy. They should do more—they should when the Indian Budget was before the House for Home charges, exercise the same close supervision over the items as was done with respect to our own Budget. If that had been done under former Governments and in past years, the present financial position and future prospects of India would have been much more satisfactory. The guarantee for Indian railways might now be a diminishing charge, but still it was a most serious one. That charge on the revenues of India would not be nearly as large as it was now but for the disgraceful carelessness and extravagance with which the contracts between the guaranteed railways and the Indian Government had been drawn up. Even admitting the principle of those guarantees, there was no reason why the contracts should be so one-sided against India as they now were. But in future a great saving might be effected in regard to guaranteed railways. One of the clauses in those railway contracts was called the Annuity or Commutation Clause. At the end of 25 years from the period of the first contract it was possible for the Government to buy up the railways from the existing proprietors by giving them an annuity for 75 years, estimated at the then price of the stock, and calculated according to the current rate of interest, estimated by the amount at which the Indian Government could borrow money. Unhappily that right of purchasing had been surrendered in the case of three important railways—namely, the Madras, the Bombay and Baroda, and the Great Indian

Peninsula. That right could be surrendered by the Secretary of State at any moment without concert with the authorities in India or the consent of that House. He did not suppose the Secretary of State would surrender it; but if the Under Secretary, in the name of his Chief, would give a promise that that right of purchasing those railways, by bringing into operation that Annuity or Commutation Clause, would not be abandoned in the case of any other guaranteed Indian railways, without previously consulting Parliament, it would effect a most important saving. That opinion was expressed in a Despatch from Lord Mayo and signed by all his Council, who objected to that clause being surrendered in the three cases he had named. He had calculated that by paying an annuity of something like £4 14s. a-year instead of £5, on each £100, for 75 years, the Indian Government, through the operation of that clause, would at the end of that period have acquired the property in those railways, and the payment would cease altogether. He did not ask for a pledge that the railways would be purchased, but for a promise that the right of purchasing them would not be given up until Parliament had had an opportunity of expressing an opinion on the subject. That money could be borrowed on the security of India at a little over 4 per cent might be a proof that the credit of the Indian Government was only second to that of England itself. The low rate of interest was, without doubt, due to a great extent to the confidence which was felt in the stability of British rule in India, but that was not the only reason. There was a vague impression existing in the public mind in India that England would in the last resource be responsible for the Indian debt. That impression was strengthened by the unfortunate passing of an Act which allowed trust moneys to be invested in Indian securities, and therefore he thought it could not be too explicitly stated that England was no more responsible for the Indian debt, than she was for the debt of any other of her Colonies. The holders of Indian securities were now receiving a great deal more of interest than they would be entitled to, if England were responsible for the debt, and therefore he urged the importance of making it clear, if such was the case, that there was no English

guarantee at the back of the Indian debt. He regarded the English policy with regard to public works as by far the most important question connected with Indian finance at the present time; and in connection with this question, he wished to endorse what had been said by the Under Secretary for India in reference to Lord Northbrook, who had shown some of the highest qualities of a statesman. Instead of giving way to the excitement which was created, the noble Lord had stood firm, and displayed energy, zeal, and devotion, which though they had procured for him some unpopularity, had been of great and unspeakable service to the country over which he ruled as Viceroy. The exhibition of these qualities had not been confined to Lord Northbrook, but had also distinguished Sir Richard Temple and the other officials who had been engaged in carrying out Lord Northbrook's policy. With regard to the public works, there were two entirely opposed schools. One party contended that the works ought to be constructed, even though they did not pay directly, on account of the indirect advantages which they conferred upon the country. Judging from recent speeches of the Secretary of State for India, he had concluded that the noble Marquess held this view, and it was, therefore, with great satisfaction that he had heard the noble Lord the Under Secretary state the view of his Chief to be that no public works were to be constructed in India with borrowed money, unless it could be proved that they would pay the interest on the outlay. The impression he had received upon the point had been shared in by Sir Arthur Cotton, one of the most enthusiastic and skilful engineer officers who had ever served in India. The other view maintained in reference to this question was, that no public works should be constructed in India unless they paid for themselves, and that the Government ought not to seek to prevent famines by these means, but by attempting to deal not merely with the physical but with the moral causes which led to them; for nothing seemed so unsatisfactory connected with the population of the country, as that when famine came upon them they had no accumulated stock of food to fall back upon. His own view was that great care and caution ought to be exercised, for it had been shown,

both with regard to irrigation and railway works, that there was in the Native mind a strong indisposition to use them when constructed. He would be the last to say a single word against the construction of public works in India. If such works were constructed out of the revenue and savings of the year, they would be productive of great benefit. If, however, they were constructed through the medium of borrowed money, all experience showed that the question whether they would pay or not was so grave a problem that, in the present state of Indian finance, the utmost and most scrupulous care should be taken and caution adopted before such a course was entered upon. He was happy to think that the House of Commons and the people of this country were beginning to take greater interest than they heretofore did in the affairs of India. Some people were apprehensive that the fact might lead to undue and unnecessary interference in Indian affairs. Such, he believed, would not be the case. There were many services which England could render to India, not only with regard to good government, but in the interests of economy. They could advocate that the policy of justice, wisdom, and economy should be more fully carried out, and that the Natives should be more generally employed than they now were in the various branches of the public service. As he had already said, he did not take a desponding view of Indian finance, and he had carefully avoided censuring any person for what had already occurred. He had, he thought, proved that Indian finance was in a critical position, and that if great care were not taken with respect to expenditure, that position might become extremely serious. But he thought that if the policy of economy which had been commenced were continued, Indian finance would soon become as satisfactory as could be desired, that all the charges that could be so dealt with should be reduced, and that then great public works might be constructed out of savings. It should be remarked that the more economical they were, the more prosperous the country would become, the more contented the people, and therefore the less expensive would be the task of governing them. In a word, each economy might be regarded as a saving of seed from which a future and

bountiful harvest of economy would be gathered.

MR. FORSYTH, as one who for years had taken great interest in Indian affairs, desired to address a few words to the House with respect to the policy pursued by England towards that great dependency. Without attempting in any way to blame the Government, he regretted that the Indian Budget was not brought forward in the House of Commons until the last week of the Session, and he hoped that the sparseness of the attendance would not be considered by their Indian fellow-subjects as evidence of caring little for the welfare of the millions who inhabited that country. He feared they might suppose that the feeling of the House of Commons was that expressed by the Poet Laureate in the line—

“Better fifty years of Europe than a cycle of Cathay.”

He thought that hon. Members might congratulate themselves upon the vast improvement which had been made in the government of India during the last few years. It had been said in former times that if our Empire in India were to come to a sudden end, the sole relics of our rule would be broken champagne bottles strewn about the country; but such a statement would be a calumny at the present time, seeing that we had covered the land with a network of railways and with irrigation works, which were converting arid plains into fertile fields. The population of India were contented with our government, preferring the homogeneity of Imperial rule to being split up into independent principalities which would be always at war with each other. He entirely approved the India Councils Bill, which would secure both responsibility and efficiency in the management of the public works in that country; but he wished to point out to the noble Lord, that in expending public money on public works in India, the greatest caution was necessary, not so much because they might be unproductive, as because of future eventualities which it behoved us to provide against. It was impossible to look at the state of things that existed in Cabul and Afghanistan, and at the advance of Russia in Central Asia, without seeing that we ought to hold ourselves in readiness to

meet possible contingencies. The ruler of Cabul was an elderly man, who had selected one son over another, and his eldest son had reared the standard of revolt. When the ruler of Afghanistan died, no doubt there would be a civil war in the country, and he maintained that India was nowhere more open to attack than through Cabul and Afghanistan. He did not accuse Russia of an aggressive or a hostile policy towards this country; but it was impossible to overlook Russia's progress in Central Asia, where she was overlapping us from west to east, and we could not shut our eyes to the probability that she might come into collision with us on the North-western frontier of India. Under these circumstances, we ought not to be too lavish of our Indian resources in time of peace. It was impossible suddenly to raise the taxation of the country—not because India was a heavily-taxed country, the taxation amounting to only about 3s. 6d. per head of a population of 184,500,000—but because the Revenue of the country was derived from some seven or eight sources, the receipts from which could not be increased at pleasure. The normal Revenue of India amounted to about £34,000,000, which was derived as follows—The Land Tax yielded £21,000,000, and it was impossible to increase that tax, owing to the Settlement of 1795. The tax upon Opium yielded £8,000,000, and no one would wish to see the revenue derived from that pernicious drug increased. The tax upon Salt yielded £6,000,000, and any attempt to further tax that necessary of life would be attended with disastrous consequences. The assessed taxes yielded the munificent sum of £19,600, while the Customs yielded £2,624,600. The revenue derived from Stamps amounted to £2,697,800, and it was to this item that he wished particularly to draw the attention of the noble Lord. Of the total of £2,697,800, as much as £1,729,148 was derived from the taxation of legal proceedings by means of stamps. For stating your own case in Court, in order to lay the foundation for obtaining justice, there was necessary the payment of £5 on every £100 at issue, up to a maximum stamp duty of £300; so that it not unfrequently happened that a party had to pay what in his (Mr. Forsyth's) opinion, amounted to a most unjust and unfair tax upon justice. The

argument by which it was defended appeared to be that such an impost prevented litigation; but that should be done in an open, above-board manner. He regretted the great falling off exhibited by a recent Return in the number of Natives employed by the Government, for nothing was more calculated to attach the Natives to our rule than giving them employment in the public service. A Return of Natives who were receiving salaries of 150 rupees a-month and upwards, showed that in 1867 there were 700 Hindoos and 193 Mahomedans; while in 1871, there were only 351 Hindoos and 85 Mahomedans. No policy could be better than that of employing Natives, as far as we could do so safely, in offices of trust; and that they were fitted for such offices by their intelligence, could not be doubted by any one who had been brought in contact with them. Nothing could be more plausible than choosing members of the Civil Service of India by competitive examination, but he very much doubted whether it secured the best men for India; and he feared that it was likely to prove a failure if it were adhered to too closely. A member of the Indian Civil Service went out to India to be a ruler of men—of men who were intelligent, kindly, affectionate, but very susceptible, and we required in such an official a man who understood men, and who could manage them. Of this capacity the present system afforded no guarantee, for it simply ascertained whether a young man could acquire a certain number of marks by proficiency in algebra, or a readiness in the use of certain languages. He did not advocate a return to patronage, but a union to a certain extent, of the two systems: and what he suggested was, the establishment, at Oxford or Cambridge, of a college for the candidates for the Indian Civil Service, so that they might, by contact with each other, rub off their rusticity, expand their knowledge of men, and cultivate some *esprit de corps*. In addition to passing the examinations which tested their knowledge.

Mr. GRANT DUFF offered congratulations on the manner in which the noble Lord had told the financial story of India for the year, and upon the fact that, notwithstanding the dark shadow which had overspread India, the financial result was, on the whole, very satis-

Mr. Forsyth



factory. When the present Government came into office, he believed they found a reasonable policy in reference to the Famine already in action, and they found that the Home Government and the Government of India were absolutely at one on the matter; so the present Government had followed the policy of their Predecessors, as the late Government must have done had they come into office under similar circumstances. In the month of January, when violent and unfounded things were being said in the public Press, he expressed his absolute trust in the Government of India; and that confidence had been vindicated by what had since transpired. The most satisfactory features of the financial review were the statements with respect to the increase of the land revenue, which we must always rely upon as our main resource, the change in the salt line, the rise in forest revenue, and the reduction in military expenditure. He could not pretend to be so much of a party man that he should not be delighted to see the present Government carry off the honour of effecting a very serious reduction in the Indian tariff. The noble Lord had in the India Office one of the most cautious and wisest financiers who was employed in the public service, and in addition to that he had the assistance of the first commercial statesman in the British Islands, Sir Louis Mallet; and he trusted that in a few years, by the aid of those gentlemen, we should see a great change in the Indian tariff. He was bitterly disappointed when he saw that the Government to which he had belonged was likely to be precluded from doing anything in this direction when Lord Northbrook found it necessary to do away with the Indian income tax. He had no doubt that on the whole the competitive system had benefited the Civil Service, though it might not have been quite so successful as could have been wished; and it would be possible to combine the advantages of the old system and the new one by some new college at Oxford, or if a new college were not thought convenient, then by such arrangements with the authorities of a University that competitors could secure the benefits of such a training as used to be obtained at Haileybury. The right hon. Member for Horsham (Sir Seymour Fitzgerald) the other day very unnecessarily attacked a Despatch of the

Duke of Argyll, and he must say a word about it. The right hon. Gentleman must be aware that not one word was said in it against him personally. The Despatch was cautiously and carefully impersonal. It blamed, and he was afraid it justly blamed, the Government of Bombay; but there was not one word in the Despatch to point the moral specially against the right hon. Gentleman. The case seemed now to stand in this position—Sir Bartle Frere, through the hon. Member for Northampton, denied in the most explicit manner that he was responsible for the enormous expenditure referred to, and the right hon. Gentleman the Member for Horsham, his successor, said he was equally guiltless in the matter. The House had no means of discovering who was the guilty, or the more guilty; and the best thing for all parties would be that the matter should be amicably referred by them to the present Secretary of State, whose verdict, he was sure, would be taken as absolutely binding.

SIR SEYMOUR FITZGERALD said, he had no intention of taking part in this debate, but after the reference which had just been made to him, he hoped the Committee would allow him to make a very few observations. On the former occasion, having been distinctly referred to by the hon. Member for Hackney (Mr. Fawcett), he had felt it necessary to make a personal explanation, and, having done so, he expressly said he would not make any charge or throw any responsibility on his distinguished predecessor. While he was himself perfectly free from any responsibility as regarded that expenditure, his predecessor had given very good reasons why he was equally not responsible. It was a totally different thing when he had to refer to the conduct of the Secretary of State and the India Office, of which the hon. Gentleman who had just sat down was himself a Member, because he felt it to be his duty to say this—that in the Despatch referred to they were grossly inaccurate, and, being inaccurate, they were also unjust. He repeated it. He said they referred to a particular expenditure as being a new expenditure, which they had the most complete means in their own power of knowing, so far from being a new expenditure, had occurred at least three and a half years before. With regard to the general question, the

hon. Member for Hackney applauded the conduct of the Indian Government, because the noble Lord the Under Secretary had announced for the first time, as the cardinal principle of their policy, that no public works chargeable as extraordinary works should be undertaken unless they were shown to be reproductive. Giving every credit to the present Viceroy, he must say that was by no means a new principle now for the first time introduced. It was a principle first announced and distinctly acted upon by Lord Mayo at least three years ago. It seemed to be assumed that because a work was represented as reproductive, it would be so; but his own experience taught him differently. Works were undertaken as being extraordinary public works on the ground that they were reproductive, but, without variation, the estimate of the Return was found to be utterly fallacious. He himself, when in Bombay, saw public works estimated to produce 25 and 30 per cent, as to which it subsequently turned out that they were unable to pay their expenses. The moral he drew from that was this—not only that there was a great temptation on the part of those engaged in the Public Works Department to over-estimate the revenue, but that the House should be very cautious how they lent their impulse to the constant tendency in India to engage in these large public works. No one who was interested in that country could look to the future without more than grave apprehension. The financial difficulty was the great difficulty, and those who wished India well would not indiscriminately encourage the idea that the thing of all others which was to promote her interests was the extension of public works. He had himself, while in India, sanctioned irrigation works—he would not say to what amount, or he might, perhaps, be charged with profligate expenditure; but, believing that irrigation works were the panacea for all the ills of India, he had sanctioned large works of that kind. When he left India, however, he had formed a very different conclusion, and he believed that of those works which he had sanctioned not one would pay 2 per cent. The hon. Member for Hackney said a great deal about securing economy in administering the finance of India. He believed the place to exercise supervision was not in that

House, but in India itself. The only way of securing economy in India was to follow strictly in Lord Mayo's footsteps, when he introduced a system of decentralization, which had conferred the greatest benefits in India. His principle was this—that instead of the local government being enabled to spend almost as much as they liked, knowing they had a bank to draw upon, they should have only a fixed sum for the right administration of which they should be held responsible. The result of the initiation of that system was like magic; every charge was taken into consideration by the Council; the expenditure of every shilling was weighed; and 30 per cent more work was done for the same amount than was done under the old system. The observations of the hon. Member for Hackney—he spoke with the greatest respect—showed the difficulty even the most able man must have who acquired their knowledge of a particular subject by reading, without practical experience. The hon. Member spoke of the charges in the various Presidencies for law and police. The hon. Member said that the police were largely increased in numbers; but he had compared two years when the circumstances were essentially different, for during the time the police had, in fact, taken the place of the irregular force, which now was not employed in any part of the Presidency with which he had been connected. He also referred to a large increase in what he called the Governor's establishment. This showed the evil of contrasts made upon very imperfect information. The fact, however, was that the expenses of the private secretary, the military secretary, all the clerks, personal allowances and expenses, had been added to the establishment charge, and therefore, said the hon. Member, they had been largely increased. In conclusion, he might be permitted to say that he did not think there had ever been a statement more lucidly or more moderately made, and there was every reason to think that the finances of India, notwithstanding the great strain to which they had been put, were placed upon a satisfactory footing.

MR. GRANT DUFF: I thought, Sir, I had built a bridge over which the right hon. Gentleman might retreat; but, as he has taken up the matter in a

totally different spirit, I will read a paragraph of the Despatch to which I referred—

"From this summary it appears that a work, for which an allotment of 3½ lacs—that is, £35,000, was originally granted, on the express instructions of the Government of India that that amount should not be exceeded, was constructed on such a scale that the Government became committed to an expenditure exceeding 9½ lacs, before any design or estimate had been approved; and that notwithstanding the censure conveyed in the remarks of the Government of India and the Secretary of State on the breach of rules involved in the action of the Government of Bombay, a similar course was subsequently pursued, until the expenditure actually amounted to six lacs (£60,000) in excess of that for which authority was so unwillingly conveyed on the former occasion; while it has only been kept within its ultimate limit by carrying out the subsidiary works under a separate account, in opposition to your Excellency's instructions."

Now, these were the subsidiary works put forward in the flimsy argument of the right hon. Gentleman, which was pooh-poohed by the Governor General in India and by the Secretary of State at home. I speak now as a private Member, and I say, either Sir Bartle Frere and his Council are guilty, or the right hon. Gentleman and his Council have very grievously misapplied public money; and if he does not accept my challenge—if he and Sir Bartle Frere do not submit this matter to the Secretary of State, who is on the same side of politics with the right hon. Gentleman—I will only say, in conclusion, that I hope the right hon. Gentleman will not be put in any position in which he will have to deal with public money until this matter is thoroughly cleared up.

SIR SEYMOUR FITZGERALD: I think the Committee will agree with me that a few words are necessary after the extraordinary speech of the hon. Gentleman, on the good taste of which I will not comment. He has read a Despatch, but in doing so he has put into it certain words of his own. He says that the Government of India complained that the Government of Bombay had so acted that they were committed to an expenditure of nine lacs, and then the hon. Gentleman introduced the words—"During that time you (meaning myself) were Governor of Bombay." I beg to say I was not.

MR. GRANT DUFF: It went on for six months after you arrived.

SIR SEYMOUR FITZGERALD: I beg to repeat the statement I made on a former occasion, that on the very first opportunity, finding that a large expenditure was going on, and a large expenditure having taken place—

MR. GRANT DUFF: It was six months after your arrival in India.

SIR SEYMOUR FITZGERALD: It was a much shorter time. About three months after I arrived I went up to Poonah. I found an expenditure going on, and I directed an estimate to be made. I found that the Government were committed to an expenditure of nine lacs, but they were committed to that expenditure not during that three months, but long before I arrived in India. I feel that this is not the place for this discussion, and I offer my humble apologies for introducing these personal matters to the House. The complaint I made against the India Office—against the noble Duke (the Duke of Argyll), who was at its head, and the hon. Gentleman who was Under Secretary—was this—not that they complained of an expenditure of two-and-a-half or three lacs, but that they treated that as new expenditure which had occurred after the Government of India had complained of the larger expenditure. Instead of that it was an adjustment of accounts, the money having been expended two or three years before I went to India.

MR. KINNAIRD said, he wished to draw the attention of the Committee back again to the important question before them, and he was sorry that the consideration of it had been interrupted in the manner it had been. If they contrasted the finances of India 30 years ago with their present condition, and found that every item of revenue had increased, the House need be under no alarm, the more especially when, notwithstanding the Famine, they had heard a statement from the noble Lord which his predecessor in office regarded as most encouraging. He could not agree with the hon. and learned Member for Marylebone (Mr. Forsyth) in regretting the imposition of the duties on stamps in India, seeing that they brought in upwards of £2,000,000 to the Exchequer. He was delighted to hear the testimony which his noble Friend the Under Secretary of State had borne to the administration of Lord Northbrook and

all things the work was well and thoroughly done. In that way, in the Madras Presidency extensive irrigation works had been constructed; the Natives manifested a great willingness to use and pay for the water supplied; and the result was a much greater fertility than was to be found in those parts of the country where irrigation works were not maintained in so high a state of efficiency. The provision of ample and cheap means of conveyance was also vastly important. It was not likely to happen that all India would be short of food at one time; and what was wanted, therefore, in order to secure the country against the dire results of famine, was that food might be cheaply and rapidly conveyed from place to place, and with a view to that he would strongly recommend the India Office to consider the advisability of purchasing the railways. With respect to the question of public works, he thought that the mixed system under which they were constructed, partly by the Government and partly by private enterprise, was a great mistake, and injurious to the interests of India. Either the Government ought to undertake the works, or simply encourage private enterprise to carry them out. The mixed system had been found to be a mistake, and it had in it inherent qualities which would cause it to be unsuccessful for any practical good to all time. He would also suggest that the Bengal Presidency should be still further subdivided, so as to bring it reasonably within the power of one man to superintend its Government. Assam had already been separated, and he thought it would be largely to the benefit of all concerned if a similar course was taken with regard to Orissa and the country lying inland from it. With regard to the mode in which the accounts were kept, he very much regretted that the auditing was not more strict. He would also call the noble Lord's attention to the important Minute which had been recorded by the auditor, and must express his regret that the country had lost the services of that able officer. He had to complain of a large amount of charges which were unfairly imposed on India, especially in connection with China, and also on account of our Embassy in Persia; and he trusted the Government would see that they were placed against the proper quarter that was liable for them. In conclusion,

*General Sir George Balfour*

he must say he agreed with the hon. and learned Member for Marylebone (Mr. Forsyth) on the subject of native employment, and he hoped the Government would give their attention to the subject with a view to its development in all cases where practicable.

LORD GEORGE HAMILTON, in rising to reply to the various questions which had been put to him, said, he had consulted the Secretary of the Finance Department of India as to the time at which the figures could be sent to this country, and the Secretary was of opinion that in another year, the figures might be sent home in sufficient time to admit of the statement being made in June. He (Lord George Hamilton) was much afraid, however, that the great pressure of business in Parliament at that period of the Session would always prevent the Indian Budget being submitted earlier than July. With regard to public works, the Despatch which had been referred to, did not say that no public work of any kind should be constructed out of borrowed money, but laid it down that only works the revenue of which would be equal to the interest of the money borrowed for their execution, should come under the class of public works extraordinary. Famine preventing works were to be executed out of the ordinary income of the year; but if it was absolutely necessary to complete them in a certain time, they would be completed out of borrowed money, but included in the ordinary expenditure of the year. The hon. Member for Hackney (Mr. Fawcett) had asked what amount was expended in provincial services in 1874-5. The provincial revenues and allotments were estimated at £6,130,000, and the expenditure at £6,224,000. The expenditure connected with Cooper's Hill College, which had been alluded to, was caused by certain alterations and additions made to the institution, the cost of which must be regarded as a charge on capital. The actual receipts of the College came within £6,000 of the total expenditure incurred for maintaining it. The very able document written by Sir John Strachey, to which reference had been made, was not an official statement of the views of the India Office, but was the result of the writer's own experience. The subjects to which the hon. and learned Member for Marylebone (Mr. Forsyth) had directed attention—namely,

stamp duty, the employment of Natives in offices of public trust, and competitive examination—had been, and were, all under the consideration of the Secretary of State. With regard to a school of native forestry in India, his noble Friend had been in favour of its establishment, but it was not found to be possible to carry it out. As to the gauge of the Indian railways, he believed the line from Lahore to Kurrachee would be constructed on the broad gauge, but that the Government of India had not made up their mind as to the gauge of the portion from Lahore to Peshawur. With respect to the annuity and commutation clause in their contracts with the guaranteed railways, if the Government could be sure that their credit would remain at the same point where it now was, and could also be certain that they could work the railways as efficiently and as cheaply as they were now worked by the companies, it would be a great advantage to the Government to make use of that clause. But there were two considerations which must enter into the calculation of an annuity—first, the length of time it would have to run, and next the rate of interest at which it was to be estimated. The rate of interest was not very clearly laid down in the clause; and although several eminent men had endeavoured to agree as to the meaning of the clause, they had been unable to do so. The point, however, was to be decided by the Governor of the Bank of England. The Secretary of State was fully aware of the advantages of the annuity clause under certain circumstances, but it would not be possible for him to make any promise on behalf of the present Secretary of State, for even if his noble Friend undertook to purchase the railways at a favourable time, his promise would not be binding on his successor. Moreover, it would be inconvenient if the Government pledged itself at all hazards and risks to embark in so large an enterprise. In conclusion, he begged to thank the Committee for its kind attention in listening to him.

MR. FAWCETT wished to state that the noble Lord had slightly misunderstood him on the subject of the annuity clause. All he pressed for was, that the Government should give him an assurance that they would not surrender their right to avail themselves of it until Parliament had an opportunity

of expressing its opinion upon the question.

Question put, and *agreed to*.

Resolution to be reported *To-morrow*.

# INDIA COUNCILS BILL.—[BILL 154.]

(*Lord George Hamilton.*)

[*Lords.*] COMMITTEE.

Order for Committee read.

MR. FAWCETT said, he must apologize for rising; but he was not responsible for two Indian subjects coming before the House on the same evening. In the debate on the second reading, those supporters of the Government who spoke in favour of the Bill, indicated their preference for a measure of a very different character, and one which he should be disposed to approve. The hon. Members, however, had not put on the Paper the Amendments they suggested in their speeches, being deterred from doing so by the late period of the Session. Therefore, there was no opportunity of considering the very Amendments which the supporters of the Government had advanced. For himself, he was not anxious to oppose the Bill, but considerable misapprehension prevailed with regard to it. There was the widest divergence between the speech of the Secretary of State on this Bill and that of the Under Secretary, and that divergence had not been cleared up. The Prime Minister had spoken of the approval of the Governor General being obtained before any appointment was made, but there was nothing to that effect in the Bill. If that idea had been put forward in the first instance, it would have prevented any opposition being offered to the Bill, whereas the fact was an impression had got abroad that a very able official, but a very enthusiastic projector was about to be sent out to India at once. Some people were very much alarmed about it. The Under Secretary wished the Bill to pass in order that vacancies might be filled up next spring; but if there were to be that delay, would it not be better to delay the Bill until next Session, when the views of Lord Northbrook could be known? If that were done, and if time were allowed for the consideration of the suggested Amendments, he should support the Bill, because the Public

Works Department required cautious and well-considered reform.

SIR GEORGE BOWYER thought the opponents of the Bill were mistaken in supposing that a great increase of expenditure would take place under it, for no such inference was justified by its provisions. Reform was required in the Public Works Department of India, and the remedy for defects of administration would be found in the appointment of a responsible official. It had been suggested by the hon. Member for Hackney that the Bill should be postponed till next Session. He (Sir George Bowyer) did not think that was desirable, for that was not like an English Bill, and if such a postponement took place, it would mean throwing the Bill over for a long time. He thought the House might have confidence that the conclusion to which the Under-Secretary invited them was one that was wise and mature. This question ought to be considered as a matter of principle, and it was deserving of earnest consideration whether one person should not be placed in the position of supremacy, and be responsible for these works.

THE CHANCELLOR OF THE EXCHEQUER said, it was a matter of the highest importance that public works should be proceeded with in India without delay, for as matters now stood, there was a want of concentration of responsibility for the construction of such works. If it turned out that works were more expensive than they should be, or that a great mistake had been made, there was now a difficulty in fixing the responsibility, and the consequences were great delay and considerable waste of money. The object of the Bill was to prevent the occurrence of such a state of things by the proper concentration of responsibility, and by the securing of some one person whose duty it would be to look into the matter and see that the work was necessary, and further that it was done, and done in the best manner. But it might be said that some one was to be appointed whose object would be not to promote economy so much as to connect his name with great and ambitious schemes. There was no foundation for such an assertion. The name of a distinguished officer had been freely mentioned, but however flattering the fact was to the officer in question, he could assure the House that there was

equally little foundation for the rumour. He could state on behalf of his noble Friend (Lord Salisbury) that no appointment would be made until, in the first instance, the Governor General had been consulted on the subject. Further, it was also right to say that the gentleman spoken of had never made the slightest motion to secure the appointment. There was no intention whatever on the part of his noble Friend to make a place for any particular person. His sole object was to concentrate responsibility, to develop the resources of India, and to put a proper check upon expenditure. Nothing was more fascinating than the erection of great public works, but they were apt to lead to uncomfortable financial results. The Government were thoroughly awake to this fact, and it would be their primary duty rigidly to criticize all schemes laid before them. He hoped, therefore, the House would proceed with the Bill, as nothing was to be gained and much might be lost by delay.

MR. FAWCETT said, the statement of the Chancellor of the Exchequer was quite satisfactory, and he should not offer any further opposition to the Bill.

*Bill considered in Committee.*

*(In the Committee.)*

Clause 1 (Number of ordinary Members of Governor General's Council may be increased. 24 & 25 Vict. c. 67. 32 & 33 Vict. c. 97.).

MR. DUNBAR moved, as an Amendment, to leave out after the word "Act" in line 19, to the end of the clause. The effect of the Amendment was, that the Minister to be appointed would not be limited to the duty of looking after public works, but would be generally available to assist the Governor General in Council.

MR. BECKETT-DENISON said, that it was not possible to accept the Amendment without taking out the pith and marrow of the Bill.

GENERAL SIR GEORGE BALFOUR said, that it was impossible for economy to be exercised in public works in India while the Governor General was responsible for them.

*Amendment negatived.*

MR. FAWCETT said, that with the view of indicating the purpose of the Bill, he would propose as an Amend-

*Mr. Fawcett*

ment, in line 20, to leave out the words "called the Members of Council for Public Works purposes," in order to substitute for them the words "the Member of Council responsible for the Financial Administration of the Public Works Department."

LORD GEORGE HAMILTON, while agreeing entirely with the object of the hon. Member, that whoever was appointed to the office should direct his attention to the finances of the Public Works Department, thought that the amendment would prevent the person appointed from being paramount in his own Department.

Amendment, by leave, *withdrawn*.

Clause amended, and agreed to.

Clause 2 (Number of Members of Council may be subsequently diminished).

LORD GEORGE HAMILTON, in reply to Mr. BECKETT-DENISON, explained that, although it would be necessary, in the first instance, to appoint a new member of Council; yet if, after the appointment, the Governor General was of opinion that his Council did not require an augmentation, the number of his Council would remain unchanged.

Clause agreed to.

Clause 3 (Power of Governor General to make rules for conduct of business not to be affected).

On the Motion of LORD GEORGE HAMILTON, Amendment made by leaving out from the word "power" in line 15 to end of clause, and insert—

"provisions of section eight of 'the Indian Council Act, 1861,' or the provisions of section five of the Act of the thirty-third year of Her Majesty, chapter three, or any power or authority vested by law in the Governor General of India in respect of his Council or of the members thereof."

Clause, as amended, agreed to.

Bill reported, with Amendments; as amended, to be considered *To-morrow*.

#### CHURCH PATRONAGE (SCOTLAND)

BILL.—[BILL 234.]

(*The Lord Advocate.*)

[*Lords.*].—THIRD READING.

THE LORD ADVOCATE said, he had one or two Amendments to move in Committee, and he should therefore propose that the order for the third reading be discharged and that the Bill be re-

committed as regarded Clauses 3, 5, 7, and 8.

MR. M'LAREN said, he had no wish to take up the time of the House; but there was Clause 3 which as it stood was susceptible of an interpretation which could not have been intended.

THE LORD ADVOCATE hoped the hon. Gentleman would first allow the Bill to go into Committee.

Motion agreed to.

Order for Third Reading read and discharged: Bill re-committed in respect of Clauses 3, 5, 7, and 8.

Bill considered in Committee.

(In the Committee.)

Clause 3 (Repeal of Acts 10 Anne, c. 12., and 6 & 7 Vict. c. 61. Appointment of ministers in future).

On the Motion of the LORD ADVOCATE, Amendment made in page 2, line 4, by substituting the words "such minister" for "a minister."

MR. M'LAREN said, it still appeared to him that that clause was susceptible of such an interpretation that the Church election committee having half-a-dozen names before it, might strike off first one and then another, until only one person be presented to the congregation, who would thus only have Hobson's choice as respected the choice of their minister. He repeated that that could not have been intended. He might add that he would be willing to accept any words proposed by the Lord Advocate which would answer the purpose of his Amendment, and of other Amendments of which he had given Notice.

Further Amendments made.

Bill reported; as amended considered; read the third time, and passed, with Amendments.

#### SUPREME COURT OF JUDICATURE ACT (1873) SUSPENSION BILL.—[BILL 235.]

(*Mr. Attorney General, Mr. Solicitor General.*)

COMMITTEE.

Order for Committee read.

Bill considered in Committee.

(In the Committee.)

Clause 1 (Repeal of s. 2. of 36 & 37 Vict. c. 66).

SIR GEORGE BOWYER trusted that in the interval before the Act of 1873, came into operation, the Government

would consider the question of the ultimate Court of Appeal. He was of opinion that the House of Lords was the greatest Court of Appeal in the world, was unequalled in dignity and learning, and that no other Court of Appeal would so fully secure the confidence of the Bench, the bar, and the public.

Clause *agreed to*.

Clause 2 (Commencement of Supreme Court of Judicature Act, 1873).

On the Motion of Sir HENRY JAMES, Amendments made, in line 13, by leaving out "or on such earlier day as Her Majesty may by Order in Council appoint;" and in line 16, by leaving out "or such earlier day as aforesaid."

Clause, as amended, *agreed to*.

Remaining clause *agreed to*.

Bill *reported*: as amended, *considered*; read the third time, and *passed*.

#### IRISH REPRODUCTIVE LOAN FUND BILL—[BILL 183.]

(*Mr. William Henry Smith, Sir Michael Hicks-Beach.*)

#### CONSIDERATION.

Order for Consideration, as amended, read.

Motion made and Question proposed, "That the Bill, as amended, be now taken into Consideration."—(*Sir Michael Hicks-Beach.*)

MR. MC CARTHY DOWNING, in moving that the Bill be considered that day three months, said, the loan was subscribed for the relief of a famine in Ireland, and was not applied in the manner intended. What he would say to the right hon. Gentleman was, let the Bill be withdrawn; and having thus expressed his opinion in reference to the measure, he would move its rejection.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(*Mr. Downing.*)

Question proposed, "That the word 'now' stand part of the Question."

SIR MICHAEL HICKS-BEACH said, the Resolution to give support to the Irish Fisheries was of a very vague description, but the Government were anxious, as far as possible, to carry out the wishes of the House in the matter. They had, therefore, introduced this Bill

with the view of utilizing, for this purpose, an Irish fund, which was at present not satisfactorily employed; and he believed that the only hon. Member proposed to it was the hon. and learned Member for Cork. He assured the hon. and learned Member that it would be used, as it should be used, for reproductive loans for useful purposes. He pointed out to him that this was a temporary measure, and he hoped one that would prove advantageous to the poor of the land.

MR. SYNAN said, he could not agree with the right hon. Gentleman that the Resolution was of a vague description. He hoped, however, the hon. and learned Member for Cork would not propose an Amendment.

Question put, and *agreed to*.

Main Question put, and *agreed to*. Bill *considered*.

Clause 5 (Regulations as to local Commissioners).

MR. MC CARTHY DOWNING, in moving as an Amendment, the omission of the 2nd sub-section of the clause, on the ground that it limited the assistance to be given to the fisheries of the county of Clare to £170, which would be of little value, whatever, and it would be better to leave the matter in the discretion of the local Commissioners.

Amendment proposed, in paragraph line 28, to leave out "sub-section 2."—(*Mr. Downing.*)

Question proposed, "That the Amendment stand part of the Bill."

SIR MICHAEL HICKS-BEACH said, he assured the hon. and learned Gentleman that the sum to be so appropriated was much larger than he supposed. He hoped the hon. Member would not propose an Amendment.

Question put.

The House divided:—Ayes 83, Noes 21: Majority 62.

Amendment proposed, in paragraph line 6, to leave out the word "and" in order to insert the word "or."—(*Mr. Downing.*)—instead thereof.

Question, "That the word 'and' stand part of the Bill," put and *agreed to*.

Amendment proposed, in paragraph line 6, to leave out the words "by all," in order to add the words "by the hon. Member."—(*Mr. Downing.*)—instead thereof.

*Sir George Bowyer*



Question, "That the words 'signed by all' stand part of the Bill," put, and agreed to.

Bill to be read the third time *To-morrow*.

House adjourned at One o'clock.

## HOUSE OF LORDS,

*Tuesday, 4th August, 1874.*

**MINUTES.**—PUBLIC BILLS—*First Reading*—Supreme Court of Judicature Act (1873) *Suspension* \* (231); Commissioners of Works and Public Buildings \* (232); Irish Reproductive Loan \* (233).

*Second Reading*—Turnpike Acts Continuance \* (212); Royal Irish Constabulary and Dublin Metropolitan Police \* (221); Private Lunatic Asylums (Ireland) \* (216); Post Office Savings Bank \* (219); Great Seal Offices \* (217); Fines Act (Ireland) Amendment \* (218); Expiring Laws Continuance \* (220).

*Committee—Report*—Registration of Births and Deaths \* (208); Endowed Schools Acts Amendment \* (214); Consolidated Fund (Appropriation) \*; Valuation (Ireland) Act Amendment \* (206); Lough Corrib Navigation \* (207).

*Report*—Sanitary Laws Amendment \* (225). *Third Reading*—Prince Leopold's Annuity \* (213), and passed.

### ENDOWED SCHOOLS ACTS AMENDMENT BILL.—(No. 214.)

(*The Lord President.*)

#### COMMITTEE AND REPORT.

House in Committee (according to Order).

Bill reported, without Amendment.

On the Motion of the Lord PRESIDENT, Amendment made, postponing the date at which the Act should come into operation.

Clause 1, page 1, line 6, before ("all powers") insert ("On and after the thirty-first day of December one thousand eight hundred and seventy-four"); and consequential Amendments made in subsequent clauses.

After Clause 7, insert the following clauses:—

Clause (A).

"Notwithstanding the seventeenth section of the Endowed Schools Act, 1873, any scheme which has before the passing of this Act been submitted by the Endowed Schools Commissioners to the Committee of Council on Education for approval may be proceeded with.

"Provided, that with respect to every such scheme which has not been approved by the Committee of Council on Education before the

passing of this Act, such Committee shall before approving the same cause such scheme, after the passing of this Act, and that notwithstanding any prior publication and notice, to be published and circulated in such manner as they think sufficient for giving information to all persons interested, together with a notice stating that during one month after the publication of such notice the Committee of Council on Education will receive any objections or suggestions made to them in writing respecting such scheme."

Clause (B) (Definitions).

"In this Act, so far as is consistent with the context, the expressions following have the meanings hereafter assigned to them; that is to say,

The expression 'The Endowed Schools Acts' means the Endowed Schools Acts, 1869 and 1873:

The expression 'The Endowed Schools Commissioners' means the Commissioners appointed in pursuance of the Endowed Schools Act, 1869:

The expression 'The Charity Commissioners' means the Charity Commissioners for England and Wales."

Clause 8, page 3, line 19, after the first ("this Act") insert—

("and in the construction of the Endowed Schools Acts the expression 'the Commissioners' shall, unless there is something in the context inconsistent therewith, on and after the said thirty-first day of December one thousand eight hundred and seventy-four, mean the Charity Commissioners").

Leave out the Schedule and insert the following Schedule:—

"Acts partly repealed on and after the thirty-first day of December one thousand eight hundred and seventy-four:—The first paragraph of section fifty two, and the whole of sections thirty-one, forty-eight, and fifty-nine, of The Endowed Schools Act, 1869; section seventeen of the Endowed Schools Act, 1873."

Ordered, That the said Bill be read the third time *To-morrow*.

### PUBLIC WORSHIP REGULATION BILL.

#### COMMONS AMENDMENTS CONSIDERED.

Commons Amendments considered (according to Order.)

THE ARCHBISHOP OF CANTERBURY said, that those Amendments might be classed under three heads. Those which came under the first head were merely formal, and no doubt they would be accepted by their Lordships. Those which came under the second were certain Amendments which he thought had been made in the Bill by the Commons with the view of conciliating the persons who were most opposed to the Bill as it went down from their Lordships' House to the other House of Parliament; and, speaking in his own name and also for

his right rev. Brethren, he believed there would be no difficulty in assenting to those Amendments. There was, however, under the third head, another class of Amendments made in the Bill in the course of its passage through the other House of Parliament with regard to which it would be necessary to proceed more carefully. He alluded more especially to that Amendment which not having deprived the Bishop of his discretion as to allowing a case to proceed, had sanctioned an appeal from the Bishop to the Archbishop, and with regard to which he believed there would be some difference of opinion among their Lordships. With regard to that matter, it might be convenient before they entered into the consideration of the Amendments in detail, that he should mention to their Lordships—though his opinion might not be shared by others—that this appeal from the Bishop to the Archbishop was by no means, even in matters of discretion, a novelty in the Church of England. It appeared to him that such an appeal was by no means inconsistent with the maxim whereby in all cases of faculties, which were matters of discretion, there was an appeal from the Bishop's Court to the Archbishop's Court under the old law of the Church. Again, without going back to the old law of the Church he would take the liberty of reading a list of instances in which recent legislation had vested in the Archbishop the power of reviewing an act of discretion on the part of his Suffragans. The first case was that of a Bishop requiring an incumbent of two parishes to reside in the larger of the two. There the matter was one of discretion, and the discretion exercised by the Bishop was subject to an appeal to the Archbishop of the Province. The next case was that of a refusal by the Bishop to grant a licence for non-residence. If an incumbent applied for such a licence with the view of having some one to act for him in his absence, or with regard to any of the other cases mentioned in the Act, the Bishop exercised his discretion as to whether such a licence ought to be granted, but there was an appeal against the refusal of the Bishop, and the Archbishop could overrule it. Another case was that of the withdrawal of a licence for non-residence. Such a licence might be withdrawn at the discretion of the Bishop ;

but the Archbishop was vested by the constitution of the Church as embodied in the legislation of Parliament with the power of cancelling the order of the Bishop for the withdrawal of the licence. A further case was that of sequestration of a benefice by the Bishop for non-residence of the incumbent. In order to enable him to enforce residence, the law invested the Bishop with this power of sequestration ; but there, again, the Legislature vested in the Archbishop the power of stepping in, and at his discretion overruling the order of the Bishop. Again, there was the case when the incumbent had absented himself for the second time after admonition, and the Bishop ordered a sequestration. There, too, the law entitled the Archbishop to step in and prevent the order for sequestration from taking effect. Again, when the duty of the clergyman was alleged to be inadequately performed, the law enabled the Diocesan to issue a direction for the appointment of a curate ; but that discretion on the part of the Bishop was liable to be overruled by the discretion of the Archbishop. Again, in a case where, the parish being large, the Bishop, in the exercise of his discretion, directed that a second curate should be employed, the Archbishop might overrule that exercise of discretion on the part of the Diocesan. Again, there was a reference to the Archbishop in cases where, owing to particular circumstances, the Bishop decided that there should be two curates. Again, should the Bishop revoke the licence of a curate and the curate should complain that his licence had been withdrawn, even though it had been withdrawn in the simple exercise of the Bishop's discretion and not for any fault, the Archbishop was bound to review the decision, if called upon to do so, and he was entitled to overrule the discretion of the Bishop. So that it would appear there were 10 cases in which, for the benefit of the clergy, the Bishop might be overruled by the Archbishop, and by the appeal in those 10 cases, the clergy were protected against any injury to their rights or interests arising from the decision of the Bishop. He believed, therefore, it might be argued with considerable force that if, for the protection of the clergy, under the existing law, there were no fewer than 10 cases in which the discretion of the Bishop might be

overruled by the Archbishop, there was no violation of the constitution of the Church in the proposal, that in one case, for the protection of the rights of the laity, the discretion of the Bishop might be so overruled. The laity had a right to the lawful performance of the Church service in the parish church. If the parishioners complained that the service according to law was not performed in that church, it was only just that the Bishop should have a discretion as to whether a suit should be commenced; and, for his own part, he considered that the Diocesan was fully qualified to exercise that discretion, and therefore he wished that it should be left to the Bishop; but if it appeared to their Lordships better that there should be an appeal from that discretion to the discretion of the Archbishop, he did not think there would be any invasion of the constitution of the Church in giving in one case for the benefit of the laity, what had already been given in 10 cases for the benefit of the clergy. He, however, repeated for himself, and he believed he might say the same for his most rev. Brother (the Archbishop of York), that the Archbishops had no wish for this Amendment giving them the power of overruling the discretion of the right rev. Bench. He and his most rev. Brother believed the better course would be to vest in the Bishops a discretion which he felt sure they would use for the benefit of the Church, and with a deep conviction of the importance of their decisions in every case. His only object in now addressing the House was to show their Lordships that they might deal with this matter in either the one way or the other, without the fear that they would be trampling upon the constitution of the Church. It was possible that in the discussion of the Amendments, another mode of dealing with the point might be brought before their Lordships, and it might be suggested that, whereas there might be something derogatory to the Episcopal Bench in having their discretion overruled, it might be more agreeable to them—though he did not know whether it would be—that the Archbishop and the Bishop should consult together as to the exercise of the discretion in the first instance. He desired to point out that the law of the Church was open to

such a solution of the difficulty, and that there were various cases in which the concurrence of the Archbishop and the Bishop in the exercise of a discretion was provided for by law. It was necessary in licences for non-residence in cases other than those enumerated in the Act. In the renewal of a licence for leave on the ground of the dangerous illness of a near relative, the concurrence of the Archbishop was necessary. Again, in the case of the infliction of penalties for non-residence, the Bishop made his ruling in concurrence with the Archbishop. Again, in the cases of separating or uniting of benefices the concurrence of the Archbishop was required. From all those instances it appeared to him that the law was open either to an appeal to the Archbishop or to such a limitation of discretion as might be obtained by requiring the concurrence of the Archbishop and the Bishop in the first instance. With regard to other Amendments of the Commons which were more doubtful, he would not enter into them now further than to say that he thought that in some of them certain verbal Amendments might be made which would remove objections, while fulfilling the intentions of the authors of those Amendments. He was sure, however, he was expressing the opinion of all those who were interested in the Bill, when he said that they had every reason to be deeply obliged to those hon. Gentlemen who had devoted so much time and attention to the difficult and intricate matters which came before them in the discussion of the measure. Although the Bill was introduced in their Lordships' House so long back as early in April, and four months had passed since then, scarcely a day had been lost in the discussion on the various stages. Great divergence of opinion had been manifested during the progress of the Bill through both Houses; but he felt confident that by that divergence of opinion, the Bill had been so improved that it was now a satisfactory measure. He knew that with reference to a Bill of the kind there must be great differences of opinion, and that it would be some time before it would be understood by the country, but he was convinced that if their Lordships so far assented to the Amendments of the Commons, as to enable the Bill to be-

come law, all feeling against it would soon disappear. And if, when the Bill became law, it was administered in a calm and temperate spirit, but with a strong hand, it would conduce greatly to the peace of the country, and would in no way diminish the influence of the Episcopate, but rather increase it. He was of opinion that the great majority of the cases would be decided by the Bishop, sitting in his Court of Reference, and that where in contentious proceedings the jurisdiction of another Court would be invoked, it would be exercised more rapidly and inexpensively than had hitherto been in the higher Ecclesiastical Courts. A great cause of the disorders and of that spirit of lawlessness which it could not be denied had arisen in the Church was the unsettled state of the law. Men did not know what the law was, and not knowing what the law was, it was not unnatural that they should be unwilling to abide by it. He hoped and believed that under this Bill the law would be understood, and that being understood, it would be in the vast majority of instances loyally obeyed.

Then some of the Commons Amendments *agreed to*; some *agreed to* with Amendments.

*Moved*, to agree to the Amendment made in page 5, line 17, after ("provided,") insert—

("Or in case of cathedral or collegiate churches, any three inhabitants of the diocese who have signed and transmitted to the Bishop under their hands the declaration contained in Schedule A under this Act, and who have, and for one year next before taking any proceeding under this Act, have had their usual place of abode in the diocese within which the cathedral or collegiate church is situated.")

THE MARQUESS OF SALISBURY said, he felt bound to enter his protest against the policy of the Amendment. It put the cathedrals in a worse position than even any of the churches of the country would be under the Bill, and for this reason—while the parish church would be subjected to the operations of the Bill on the complaint of three parishioners; a cathedral would be subjected to them on the complaint of any three inhabitants of the diocese; so that all security against proceedings under the Bill was taken away from the deans and canons. That was all the more invidious and offensive, because of the fact that

the moment the deans and canons were passed and a higher order was reached the policy of the Bill was exactly the reverse of what it was in their case. Deans and canons were exposed to more of the fury of this Bill than the parsonage clergy, while the Bishops were excepted from it altogether. It was difficult to believe that there was not some meaning in that. The cathedrals belonged to a class of sacred buildings which by their Lordships' House had been deliberately excepted from the provisions of the Bill, and, he believed most wisely. Not only had they been excepted, but college chapels and parish chapels had also been excepted. They were safety valves for the zeal of those who were influenced by particular feelings; but the House of Commons stopped up every hole by which zeal could escape. He deeply regretted that policy. This was an attempt to bring about a rigid and absolute conformity under penalties which amounted to compulsory secession from the Church. If the school against which those penalties were levelled had no real foundation and which the slightest touch of the fire of persecution would wither in a moment there would not be much difficulty in carrying out the provisions of this Bill, and that school would be stamped out; but if that school had any foundation and if those manifestations against which the Bill was directed were not a pretence and a show, he feared that the task would be more difficult, and that by its uncompromising legislation the House of Commons was entering on a contest which often in the history of nations had been waged between the civil power and religious bodies, and from which the civil power had seldom come out the victor and had never come out without injury. The spirit embodied in this Bill would require further sacrifices, and he believed we were at the beginning and not at the end of legislation which those who were now most anxious for it would live to regret.

Question put, and *agreed to*.

*Moved* to agree to the following paragraph inserted by the Commons Clause 9—

"Provided also, that if such bishop shall be of opinion that proceedings should not be taken on any representation, it shall be lawful for any person making such representation to c

notice to be served on such bishop (which notice may be served by depositing the same in the registry of the diocese), and also on the person complained of, that it is his intention to appeal against the decision of such bishop to the archbishop of the province within which such diocese is situate, and thereupon such bishop shall cause a copy of the representation, the declaration, and the statement aforesaid, deposited in such registry, to be sent to such archbishop, and such archbishop shall within one month return such documents to such bishop with his decision thereon in writing confirming or annulling the decision of such bishop, which several documents shall be deposited in the registry of such diocese; and if the decision of such archbishop so require, such bishop shall within twenty-one days after receiving such decision proceed as is hereinbefore directed in the case of his deciding that proceedings shall be taken on the representation."—(*The Lord Archbishop of Canterbury.*)

THE ARCHBISHOP OF YORK said, that great complaint was made by some persons of the power which this proposal would give to Metropolitans; but let their Lordships ask themselves, whether Diocesan ever had more power than they would enjoy under this Bill? When the Bill left their Lordships' House there was no appeal to the Archbishop; but the matter had been twice considered in the House of Commons, and by a very large majority on one occasion, and a somewhat smaller one on another, that House determined that there should be an appeal. One great security in the Amendment was, that the Bishop must publicly state his reasons for refusing to allow the case to go on, in which case an appeal would be made to the Archbishop, who would either decline to reverse the decision, or reversing it, would allow the case to go on. It might be said that that was a course of proceeding that placed both Bishop and Archbishop in an invidious position, for the simple reason that as the Bishop would know more about the case than the Archbishop the appeal would be a nullity, and that the Archbishop in most cases would agree with the Bishop; but under the 1st and 2nd *Vict. c. 106*, there were a great many cases in which the Archbishop and the Bishop must concur in acting. The case of admitting a colonially-ordained clergyman to hold a cure in England was one which had not been mentioned, and there was the case of the sale of glebe, which was another. In both these there was a concurrence of action by the Archbishop and the Bishop. Their Lordships would therefore be acting quite within precedent in the law

of the English Church if they agreed that, in respect of cases under the Bill, the Archbishop and the Bishop should have a concurrent authority. He thought they might very well ask the House of Commons to accede to that. He saw that a clause had been prepared by the noble and learned Lord on the Woolsack by which it was proposed that 10 days before the Bishop published his award, he should send his reasons to the Archbishop if he thought that the case should not proceed; and the reasons were to be returned by the Archbishop within a period of 10 days, with a statement as to whether he agreed with them or not. If he did agree with them, the hands of the Bishop would be strengthened, and he would send forth his award on the joint responsibility of himself and the Archbishop. On the other hand, if the Archbishop and the Bishop did not find themselves in agreement, the papers in that case would not become matters of public record, and the case would go on as if the Bishop had never wished to stop it. He did not say that he would have suggested such a mode of meeting the difficulty; but as, except in respect of the clause, there was complete accord between the two Houses, he was willing to adopt any reasonable means of finding a way out of the dilemma. He thought it was hopeless to think of getting the Commons to give up their Amendment. On the first decision in the other House there were three to one in favour of the Amendment; and on the second, in spite of the Government, in spite of the protest of the Leader of the Opposition, and in spite of its having been stated that the most rev. Primate and himself were opposed to the Amendment, it was agreed to by a considerable majority. He could not, therefore, help asking their Lordships to agree to the proposal which the noble and learned Lord on the Woolsack was about to make as a means of getting over the difficulty.

THE BISHOP OF WINCHESTER said, it was as certain, historically, that the Church from the time of the Apostles was governed by Bishops, as it was that Rome was governed by the twelve Cæsars. But he would put the question not on the basis of ancient history, but on a principle more modern and easily appreciated. Unless episcopacy was be-

lieved to be a Divine institution, its maintenance was wholly unjustifiable. If he did not believe that episcopacy was a Divine institution, he would give up his episcopate and trample his robe on the ground; because unless there was Divine authority for the episcopate, it would be a most schismatical act for the Church of England to maintain it, when large religious bodies had given it up, and now looked upon it as being unlawful. Unless the Church of England believed episcopacy to be a Divine ordinance, she was acting now schismatically, when, by throwing it off, she might bridge over the gulf which was between her and many other religious bodies. But then the very fundamental principle of episcopacy was that the Bishop was ruler and judge in his diocese. It was ruled from the very first by those great General Councils which the Church of England had always fully accepted, that no Bishop should on any pretence go into another Bishop's diocese. There rose up in the course of time—but not till the end of the third century—an order or sub-order of Bishops called Metropolitans, not by any Divine ordinance, but from ecclesiastical convenience and expediency. At first the Metropolitans were merely Presidents of Episcopal Councils, to gather those Councils together and to hold consultation with their brother Bishops. After a time, appeals were carried from Bishops to Metropolitans. And he admitted the value of such appeals, for though episcopacy was a Divine institution, Bishops were, like other men, liable to err, and it was much to be desired that their judgments should not be absolute, but referred to a higher tribunal; but the difference between Bishops *quâ* Bishops, and Metropolitans *quâ* Metropolitans, was that Bishops were Bishops by Divine ordinance—whereas Metropolitans existed simply by human ordinance. He need not go back to first principles or early history for this. This was admitted to be true by the English law. In the famous case of “*Lucy v. Watson, Bishop of St. David's*,” Chief Justice Holt laid down the principle that Bishops and Archbishops were equal *jure divino*, but that Archbishops were superior to Bishops *jure humano*. He would venture to add that the Church itself was not a human, but a Divine institution. In letters addressed

to the public papers we had heard it called the Church of Parliament. He did not deny that in a certain sense it was the Church of Parliament, as Parliament was the representative of the English laity, but in a higher and truer sense it was the Church of God; and though he admitted a right in Parliament to deal with it, and with the episcopate, which was a constitutional part of the Church, whilst yet he claimed for the clergy, too, a voice in legislation for the Church; still he urged that an institution so sacred should be dealt with with the utmost tenderness—not dealt with as children played with those india-rubber dolls which were sold in toy shops, twisting them into one shape and then into another, with every momentary caprice. As regarded the trial of Bishops alluded to by the noble Marquess, he would observe that the Archbishop already possessed most unusual power. In the case to which he had before alluded—“*Lucy v. Bishop Watson*”—Chief Justice Holt had declared that the Archbishop of Canterbury possessed powers equal to those of the Patriarch of Constantinople—that was, power greater than any Prelate in Christendom, except only the Pope. And in the case of Watson, the Archbishop, in his own Court, deposed and excommunicated the Bishop; and though Bishop Watson appealed from Court to Court, his appeal was disallowed, and he died deposed and excommunicated, buried even without the funeral service. So the Archbishop already possessed powers greater than any other mere Archbishop in Christendom; and it was easier to try a Bishop in England than in any other Church in Christendom. He did not grudge the power which the most rev. Prelates now possessed; but if this clause were passed, an entirely new kind of authority would be vested in them. For the first time, the Archbishop would be enabled to interfere in the affairs of a diocese with reference to matters which had not been the subject of decisions on the part of the Bishop. If the Bishop deemed a charge against an incumbent to be a frivolous charge, as to which no action ought to be taken, it would be open to the Archbishop under this clause to oblige him, against his better judgment, and notwithstanding his knowledge of the circumstances of the neighbourhood, to send the case

to the Court for trial. Thus, for the first time, a power of initiative in the diocese would be given to the Archbishop. In the opinion of many persons, the Bishops were already damaging episcopacy by giving up their own Courts. They had, no doubt, made a great concession in this matter, with the view of removing obstacles in the way of the present Bill; and that being so, it would be hard to oblige them to prosecute charges against their judgment. The most rev. Prelate had quoted 10 precedents in favour of overruling the discretion of the Bishop; but they did not apply to the present case, inasmuch as they referred to matters in which a distinct judicial decision had been come to by the Bishop. One related to the withdrawal of a curate's licence; but in this case the Bishop must have made full enquiry and come to a formal decision, and from that formal decision there was a natural and legitimate appeal. Another related to a refusal to an incumbent to be non-resident, in which case again the Bishop must have concluded on apparent reasons to forbid non-residence. His act in such case was virtually judicial. Another referred to the case in which a Bishop found that a parish was neglected, and ordered that the incumbent should keep a curate. In this case the Bishop had to proceed by formal process, issuing a commission and then deciding on their report; and so his decision was a strictly legal decision, and an appeal from it naturally lay to the Metropolitan. The clause in question, if carried, would not give an appeal after judgment, but would give the Archbishop power of control in the initiative, which was a power contrary to all the constitutional principles of the Church. He did not question the power of Parliament to interfere with the principles of the Church in all that was not essential to its character as a Church. But the action of the Bishop in his own diocese was a fundamental principle, and what abolished that would abolish that which made the Church to be what it was. He would rather see the discretion of the Bishop withdrawn altogether than his constitutional discretion overridden by a superior authority. The Bishops had done all they could to smooth the passage of the Bill through Parliament and through the country, although they could not but feel that by carrying it,

they were parting with much of their ancient authority and jurisdiction. It would be hard on them, and on the Church of which they formed an integral portion, if by one of the many turns which this Bill had taken in Parliament, they should lose not only their Diocesan Courts, but also that which was their inalienable right, their right to regulate judicial proceedings within their own dioceses, and that, by a clause introduced at the very end of a Session.

THE BISHOP OF LINCOLN: My Lords, I venture to express a hope that your Lordships will not agree to this Amendment which has been brought to us from the other House. In so doing, I trust that I may not be suspected of a desire to claim for Bishops any power which does not rightly belong to them, or to detract from Metropolitans any authority to which they are justly entitled. So far from wishing to exalt unduly the privileges of the episcopate, I confess that I should not have been sorry if the operation of the Bill had not been limited to priests and deacons, but had been extended also to Bishops. A good deal of irritation and disquietude has, I believe, been produced by the opinion that in this Bill, Bishops are resorting to Parliament for powers to enforce laws upon the clergy which they do not obey themselves. It has been said that Bishops wish to impose the Purchas Judgment, which forbids the clergy to wear certain vestments, while Bishops themselves do not obey the Purchas Judgment, which enjoins them to wear a certain vestment in their cathedrals at certain times. It has been alleged—I report what I hear—that Bishops desire to constrain the clergy to obey ambiguous rubrics, while they themselves violate clear rubrics—for example, in the administration of confirmation, in which they are required to lay their hand severally on each candidate, while they say certain words which give an assurance of Divine grace to each candidate, singly and individually. This rubric contains an important doctrine, and it is sometimes violated, not from the fault of Bishops. I impute no blame to them, because the population and extent of their diocese are so great that compliance with it is almost impossible. But the remedy for this is not in the violation of the rubric—I heartily wish that we were obliged to obey it—but in the subdivision of our

overgrown dioceses, and in the increase of the episcopate. And that leads me to observe that the true remedy for irregularities in Ritual is in the improvement of our diocesan and parochial organizations. We cannot govern the clergy by repressive and coercive legislation, but we may conciliate them by kindness and love. Not all the Public Worship Regulation Bills that ever can be framed and passed, will have any salutary effect unless we bring the episcopate nearer to the hearts of the clergy and people by a sub-division of some of our dioceses, and unless we make the clergy of a diocese feel that they have in their Bishop a counsellor and friend, and an affectionate father in God. I earnestly hope that the noble Lord opposite, whose name is so honourably identified with the question of the increase of the Home Episcopate, will apply his energies and abilities to the promotion of that great work. My Lords, we are informed that next Session we shall have a Clergy Discipline Amendment Bill for the correction of false doctrine and viciousness of life in ecclesiastics. Is this also to be limited to the clergy? Are Bishops to be exempt from it? Great mischief has been done to the Church by Ritual excesses and extravagancies, but I doubt whether that mischief is comparable with the injury that has been inflicted upon it by the writings of a single English Bishop, who has shaken the faith of hundreds and thousands at home and abroad in the inspiration, genuineness, and authenticity of the Old Testament. And are such offences to escape with impunity? My Lords, I have ventured to refer to these matters, lest I should be charged with exaggerating the authority of Bishops, and with seeking unduly to claim immunities and prerogatives for them. I have no such ambition; I only desire to vindicate that just authority in their dioceses which the laws of the Church and of the Realm have given them, and which they are bound to maintain. And now let me advert to Metropolitans. I trust that I shall ever be ready to pay that deference to Archbishops which they have a right to claim from their Suffragans. But look, my Lords, at the present Amendment. The Bishop of a diocese is there rightly required to state in writing his reasons if he desires, in the exercise of his discretion, to stay legal

proceedings against a clergyman of his diocese. But the Archbishop is to be empowered to overrule this exercise of discretion on the part of the Bishop without assigning any reason whatever for setting that discretion aside. The Archbishop's rescript to the Bishop may simply be—

*Sic volo, sic jubeo; stet pro ratione voluntas.*

Consider, my Lords, the effect of that. It is not only a humiliating degradation of the office and person of the Bishop in the eyes of his diocese and of the Church, without any cause assigned, but it will be most disastrous to the Church at large. The action of a Bishop staying proceedings may, perhaps, occasionally be a denial of justice in a single diocese; but the Archiepiscopal abolition of episcopal discretion and of episcopal authority will be the infliction of injury on the whole Church of England. Suppose, my Lords, that this Amendment had been law in the first half of the 17th century. Then the Primacy was occupied by Archbishop Abbot. If episcopacy had then been put into commission, and had been absorbed into the will of the Archbishop, as this Amendment proposes, the Church of England would have been Puritanized. And who was Abbot's successor in the See of Canterbury? Archbishop Laud. I do not share in the common prejudice against that great man; he had doubtless his infirmities and failings, but he was a noble-hearted Prelate, and wrote one of the best books in our language against Popery; but if this Amendment had then been law, then the popularity would have been that the Church would be Romanized by it. And who held the Archiepiscopal See of York in the latter days of Laud? Archbishop William's, Laud's most bitter opponent in Church and State. Such things may occur again if this Amendment becomes law. England may see a Pope at Canterbury and an Anti-Pope at York. My Lords, appeals have been made in the course of the debates on this Bill to the principles of the English Reformation, and to the authority of the Act of Uniformity. I regard the English Reformation as one of the greatest blessings that was ever vouchsafed to this Church and Realm; and I loyally recognize the authority of the Act of Uniformity. I take my stand on these principles, and appeal to that authority, and I therefore



entreat your Lordships to reject this Amendment. Bring it to the test of those principles and of that authority. The first English Prayer Book of the Reformation was printed in the year 1549. In the preface to that Prayer Book—the first Book of Edward VI.—under the title “On the service of the Church,” are the following words:—

“Forasmuch as nothing can, almost, be so plainly set forth but doubts may rise in the practising of the same; to appease all such diversity (if any arise) and for the resolution of all doubts concerning the manner how to understand, do, and execute the things contained in this Book, the parties that so doubt or diversely take anything, shall always resort to the Bishop of the diocese, who, in his discretion, shall take order for the quieting and appeasing of the same; so that the same order be not contrary to anything contained in this Book.”

My Lords, these are the principles of the Reformation, and I trust that your Lordships will uphold them. And lest it should be said that this discretion of the Bishop was to be superseded by the Archbishop, our Reformers in the second Prayer Book of Edward the Sixth, in A.D. 1552, added the following paragraph:—

“And if the Bishop of the diocese be in any doubt, then may he send for the resolution thereof unto the Archbishop.”

Observe, my Lords, this is entirely optional; the Bishop may consult the Archbishop if he pleases, but he is certainly not to be overruled by him against his own judgment, as is contemplated by the present Amendment. My Lords, the two clauses which I have just quoted declare the law of the Church of England from the Reformation to the present day—that is, for more than three centuries; they are contained in every Prayer Book from that time to this, and they have been sanctioned by the law of the Realm in the Act of Uniformity, which gave legislative sanction to the Prayer Book. Are we going to set aside the principles of the Reformation, and to contravene the Act of Uniformity? Because I venerate the Reformation, and respect the Act of Uniformity, I entreat you to reject this Amendment. A few words more, and I have done. My Lords, when this Public Worship Bill was brought into this House, I ventured to remonstrate temperately and respectfully, on two several occasions, against the manner in which

it was introduced and carried forward, without any reference to the Synods of the Church. Those expostulations—backed by others from persons of greater weight—were not without their effect; and I now beg leave to acknowledge with thankfulness the gracious act of Her Majesty's Government, following in the steps of the preceding Administration, and advising Her Majesty to issue Letters of Business to Convocation, authorizing it to revise such rubrics as may seem to need amendment; and I hail with gratitude the wise and conciliatory Amendment adopted by the other House, postponing the time at which this measure is to come into operation till the 1st of July, in next year, so that the Convocation may have sufficient time to elucidate such rubrics as are obscure, and revise such as require revision, it being understood that this action of Convocation will not have legal validity without the sanction of the Crown and of Parliament. Having discharged what seemed to be a duty—a painful one it was—in remonstrating on the mode in which this measure was originally launched and pressed forward, and having performed the more agreeable one of acknowledging two graceful concessions, I shall now, my Lords, consider it my duty to exercise such influence as I may possess, however insignificant, whether in the diocese of Lincoln or elsewhere, in an honest and loyal endeavour to allay disquietude and irritation, and to persuade those whom it may concern to give this measure a fair trial, and to treat it with that respect which is due to all Acts of the Legislature; and I earnestly hope that the sanguine expectations of its most zealous promoters may be fully realized, and that it may be conducive, under the Divine blessing, to the advancement of the Divine glory, and to the firmer establishment of the Church of England in the hearts of the English people.

THE EARL OF CARNARVON said, he was anxious to say a few words on the Amendment before the House, because he thought that as it now stood, taken in conjunction with some other Amendments in the Bill, it did materially alter the character of the measure as it had been sent down to the other House. When the Bill was first introduced to their Lordships the proposed judicial power was to be vested in the

Bishops. Their Lordships disagreed, and he thought rightly, from that proposal, and a purely episcopal tribunal was converted into a lay tribunal. He went entirely along with that view, and he also accepted cordially the condition with which it was coupled—that a certain discretion should be left in the hands of the Bishops, which he thought was as much due to their office as to the natural fitness of things. As the Bill now returned to them, that discretion, as he conceived, was virtually and practically taken away from the Bishops and transferred to the Archbishop of the Province. Without using any exaggerated language, he must be allowed to say that a Bishop, compelled in that manner to submit his discretion to that of his Archbishop, was placed in a position altogether novel, altogether unsatisfactory as regarded his diocese, and one almost personally degrading to himself. That was his first objection. His second was, that he could not really understand the appropriateness of the change. The Bishop of the diocese who exercised that discretion, exercised it, among other things, for this reason—that he was conversant, both locally and personally, with the wants and interests of the diocese; he had an intimate and familiar knowledge which no other person probably could pretend to; and yet they passed over his head to transfer that power of discretion to the Archbishop, who not only must know much less locally and personally, but in nine cases out of ten could know nothing at all. Again, they assumed that the Bishop of the diocese was likely to use that discretion in an indiscreet manner, and yet in the same breath they assumed that the Archbishop of the Province, who knew nothing about the diocese, was likely to exercise it in a discreet manner. In the next place, the Bill as it came back to their Lordships seemed to him to encourage that which it was the object of all moderate and reasonable men of every party to avoid—namely, the tendency to litigation. Why did they vest that discretion in the Bishop? Simply that he might prevent frivolous, unnecessary, and litigious suits; but by placing him under the fear and risk of having his discretion reversed, they gave him every inducement to send those suits on, and to turn them—many of them of course would be frivolous—into reali-

ties. That, again, was a source of litigation which he was sure the House never contemplated when it passed the third reading of that Bill. And, what must be the result? If practical effect were really given to that, it could but lead to a feeling of great distrust, first as between the Bishop and the Archbishop, and still more as between the Bishop and the clergy of the diocese. He was struck with the feeling that Bill had already provoked in many quiet country parishes. It was not those who had the slightest tendency to Romanism who had protested in many country districts against the measure, but the old-fashioned Conservative clergy, who were startled by it, failed to understand it, and did not put the same construction on its operation as had been put by the most rev. Primate. He, for one, heartily trusted that their anticipations would not be realized. He trusted that the Bill would work much less mischief and work more satisfactorily than they supposed; and one of his reasons for saying that was, that whereas the Bill left that House as a single-edged blade, it returned to them as a very effectual double-edged blade, for it had been so sharpened on each side that each section of the Church would be able to put it into operation when it became law with most fatal effect on its opponents. It would need all the conciliation and all the tact and judgment of the right rev. Bench to avert to such a serious consummation as might naturally be expected. As to the Amendment which had been shadowed forth by the most rev. Primate (the Archbishop of York), but which was not yet before the House, if in any way the edge could be taken off the clause and the clause could be restored to a more satisfactory condition, he should be very glad. If he understood the nature of the Amendment rightly, it proposed concurrent and joint action between the Archbishop of the Province and the Bishop of the diocese. That would in one sense scatter responsibility, and in another would increase it. So far as it relieved the Bishop from the odious responsibility which the clause, as at present framed put upon him, so far so good; but so far as it divided the responsibility between him and the Archbishop, it was, in a judicial point of view, a serious objection. What he much regretted in regard to that measure was

the speed with which it had been passed. That was the usual way in which ecclesiastical legislation proceeded in this country. They were too much in the habit of legislating from the impulse, and sometimes from the panic of the moment. There had been before now an instance which remained in the minds of many of their Lordships present, in which, under the influence of strong public feeling, called up by an unwarrantable aggression on the part of the Papal Court, an Act was hastily and inconsiderately passed, which long remained as a monument of the uselessness of such legislation. It was but a few years ago that, after having passed an inglorious existence, it was with the consent of all parties in both Houses of Parliament removed from the Statute Book and swept away into the oblivion which it deserved. He would only say, in conclusion, that while he regretted to see the character of the present Bill altered injuriously, as he thought, by the clause, on the other hand he was bound to bear witness to one Amendment which to his mind was a redeeming feature in it. He rejoiced that time had been given to Convocation and to the meeting of the clergy of this country to consider calmly and dispassionately the present position of things, and revise as far as in them lay the subject-matter of dispute. The present was a golden opportunity such as had not presented itself before for many years, and he hoped it would be accepted by Convocation as an olive branch of peace. When the heated passions which had been engendered by this Bill had cooled down, the proposals now offered might be of the greatest benefit and advantage to the Church, and he hoped that, instead of wasting precious time in recrimination and in attempting to attain moral impossibilities, Convocation would give a wide, broad, prudent, and statesmanlike consideration to the measures brought before them, and so put themselves in the position of deserving the gratitude, not only of the Church, but of the whole people of the country.

THE EARL OF HARROWBY said, that from the tone of the previous speakers it might be supposed that by the Amendment Parliament was now asked for the first time to declare that Archbishops should have the authority to review the decisions of their Suffra-

gans when those decisions had been made in the exercise of a discretion intrusted to them; whereas the fact was it involved no novelty, and there was nothing in that respect which should prevent their Lordships from accepting it. The question was, whether the Bishops should have power to prevent the laity from having that access to the law which was their natural right, and which was given them by the Act of Uniformity. As the Bill left their Lordships' House the Bishops had the power which he deprecated; and he should have been willing to leave in their hands the discretionary right to use the power, governed as it must be by respect to public opinion and the necessity for giving reasons why the discretion of refusing had been exercised. The House of Commons, however, representing the feeling of the laity more strongly than it was represented in their Lordships' House, passed an Amendment extending to the laity the protection which the Bill proposed to give to the clergy, and he did not see that there was anything to prevent their Lordships from acquiescing in the decision at which the Lower House of Parliament had arrived, in their own right and in the exercise of a very proper feeling that the laity were as much entitled to protection as the clergy. On those grounds he supported the Amendment, and as a further reason for its adoption, he considered it a security that the Bishop would think twice before rejecting a complaint. He hoped that if the Amendment introduced in the Bill into the other House was not adopted, their Lordships would accept the modified proposal which was to be made by the noble and learned Lord on the Woolsack.

THE LORD CHANCELLOR said, that when the Bill was before their Lordships on a previous occasion, he stated his reasons for supporting the policy of not allowing an appeal from the Bishops to the Archbishops on the matter of discretion. As there was in the Bill, as it stood before it went into Committee in their Lordships' House, a provision giving an appeal, and being under the impression that at that time a considerable number of Members of the right rev. Bench were not indisposed to agree to the appeal, he was anxious to repeat, in a few words, the reasons why he

thought, in the first instance, that it was inexpedient that the appeal should be given, and the more especially so, because they did not agree with the position taken by the right rev. Prelate the Bishop of Winchester. As he understood the view of the right rev. Prelate, it was that every Bishop was a Judge in his own diocese to administer ecclesiastical law, and that to introduce the jurisdiction of an Archbishop into the diocese of any one of his Suffragans was to violate the fundamental constitution of the Church. He could admit the force of this argument if it was provided that in every case when applied to for the purpose, the Bishops were bound to put the law in force. But the Bishops did not say that. What the Bishops said was, that they claimed a right which was not claimed, as far as he knew, by any Court or Judge in any country in which a temporal law was administered. The Bishops claimed the right to say to any suitor who asked that the ecclesiastical law might be put in force—"We will judge whether it is or is not right for you to proceed with your litigation, and we claim the right to shut upon you, if we are so minded, the portals of the Temple of Justice." That was a strong position to take up, but it put aside altogether the argument of the right rev. Prelate, who claimed the ordinary jurisdiction of a Judge in his diocese, because the Bishop would not hold in such matters an ordinary, but an exceptional position. He was willing to allow the discretion of a Bishop, but he could not lose sight of the fact that it entirely altered the position of the Bishop from that of a Judge exercising his ordinary powers. The grounds on which he had, in the first instance, objected to allow the appeal to the Archbishop upon the question of discretion, were that the appeal must be one-sided, being only permitted where the Bishop did not allow a case to proceed, and because the Bishop, being acquainted with the circumstances of his own diocese, and the position of the Church within his jurisdiction, might fairly be allowed to consider whether it was or was not expedient, in the interests of the Church, that there should be litigation. It appeared to him that if the discretion of the Bishop were allowed, it would not be infringing upon the privilege thus granted, to say that it might be con-

trolled by that which, after all, would only be the discretion of another man who would not know so much about the details of the matter. Those were the grounds which had influenced him, but they were grounds not affecting the fundamental constitution of the Church, but grounds of expediency. The other House of Parliament had, however, substantially re-inserted the clause, and although, for his part, he should have been glad if the other House had not taken that course, yet it was, at the same time, impossible not to see and to a certain extent, pay respect to the principle on which the House of Commons had acted. They represented the laity of the country, and considered that the rights of the laity were involved in a free right to enforce the law of the Church where it ought to be enforced; and that if they were to concede to the Bishops the discretion of saying whether a suit should go on, they were entitled to ask for something to weigh against that discretion, and prevent it being exercised in such a manner as absolutely to stop litigation. That was the view which was taken in the other House—a view which he wished had not prevailed. But he had to ask himself this question—So far as he could understand, was it going too far to say that if the state of public feeling were observed, if the Amendment were resisted, if it were not inserted in the Bill, would not the measure be placed in imminent peril? It should be remembered, too, in considering this question—not of principle, but of expediency of detail—that although, as the right rev. Prelate (the Bishop of Lincoln) had said, there was a fear that a Puritanical Archbishop might Puritanize the Church, the Archbishop was not to sit in judgment upon the question to be decided; he had simply to say whether the case should proceed. He could not, therefore, take upon himself the responsibility of imperilling the Bill, but he would rather put in abeyance his own individual opinion, and accept the substance of the Amendment. An alteration, however, in its form would, he ventured to think, obviate the objections which had been taken to it; and with a view to get rid of that which bore something of an invidious appearance in the appeal, he would suggest the adoption of the following Amendment of the clause as it

stood. It would, if his suggestion were adopted, run thus—

"If the Bishop shall be of opinion, after considering the whole circumstances of the case, that proceedings should not be taken on the representation, he shall state in writing the reason for his opinion, and, unless he is himself the Archbishop of the Province, shall within ten days after receiving the representation, transmit a copy of such representation and statement to the Archbishop of the Province, and if the Archbishop shall signify his concurrence by counter-signing such statement, no further proceedings shall be taken on the representation, but the statement shall be deposited in the registry of the diocese, and a copy thereof shall forthwith be transmitted to the person, or some one of the persons, who shall have made the representation, and to the person complained of. If the Bishop shall be of opinion that proceedings should be taken, or if the Archbishop shall not within 10 days after receiving the statement signify his concurrence, the Bishop shall within 31 days after receiving the representation, transmit a copy thereof to the person complained of, and shall require each person and also the person making the representation to state in writing within 21 days whether they were willing to submit to the directions of the Bishop touching the matter of the said representation, without appeal; and if they shall state their willingness to submit to the directions of the Bishop without appeal, the Bishop shall forthwith proceed to hear the matter of the representation in such manner as he shall think fit, and shall pronounce such judgment and issue such monition (if any) as he may think proper, and no appeal shall lie from such judgment or monition. Provided, That no judgment so pronounced by the Bishop shall be considered as finally deciding any question of law so that it may not be again raised by other parties."

THE BISHOP OF OXFORD said, he was of opinion that if the suggested alteration of the clause were agreed to, it would render the subsequent portion of the clause inoperative. He thought it would be very unlikely that the parties would submit to the Bishop, when he had already decided that the case should go on, and they must remember that the Archbishop would be a member of the Court of Appeal. They would overthrow, by that Amendment, the best feature of the Bill. They brought the Bishop to show his hand, and then asked the parties to submit. He would, also, remind the House that many persons thought that the Bishops possessed the powers given under the Bill by the Act of Uniformity. As he had said, he was of opinion that if the Commons' Amendment, or the Amendment proposed by the noble and learned Lord on the Woolsack, were adopted, it would destroy the best feature of the Bill.

LORD HATHERLEY, being a very earnest supporter of this Bill, and feeling deeply the necessity that existed for legislation on the subject, said, he should greatly regret the clause being left as it now stood, because he believed that it would go far to render the rest of the Bill ineffectual, inasmuch as it held out a discretion to the Bishops with one hand which it took away with the other. It was unworthy of their Lordships' House, and disrespectful to the Bishops, to show such a distrust of the Episcopal Bench as the clause implied; while the character of the measure as one of peace, intended to bring persons into harmony and uniformity, would be entirely destroyed if the Amendment introduced by the House of Commons were allowed to stand. The noble Earl who had addressed their Lordships last but two, (the Earl of Harrowby), had spoken without his usual precision and accuracy, when he said that the point that was being discussed was, whether or not they should permit the Bishop of the Diocese to close the door which had hitherto been open to the citizen under the Act of Uniformity, and whether or not it was not the duty of the House to fetter the discretion of the Bishop in the matter? The noble Earl forgot that all that the Bishop could do in the exercise of his discretion under the Bill was to leave the citizen to his old remedy under the Act of Uniformity, while he merely deprived him of the peculiarly sharp, quick, and rapid remedy he would have under the Bill. But few among the clergy would be inclined, he (Lord Hatherley) imagined, to enter upon a course of litigation that would involve them in costs to the amount of £8,000 or £9,000. The measure, therefore, was one that required great care and forethought, and had not been introduced for attacking one party of the clergy. True, the occasion for litigation was given by one party; but legislation once taking place, it must be equally applied. It was thought that by bringing in the Bill it would be the means of bringing the clergy together; but if they exposed every clergyman to the liability of being attacked and exposed to a costly law suit, it was vain to expect that any such good result would ensue. The clause professed to give a discretionary power; but what that amounted to might be seen by the fact that after

the Bishop had decided, with all the advantage of his local and personal knowledge, that labour was to be of no use, the case was to go up to the Archbishop. If the discretion of dealing with these cases were taken from the Bishop, and were placed in the hands of the Archbishop, how could it be expected that the parishioner would be satisfied with the decision of the Bishop in a case in which he had already decided that there were no grounds for proceeding, but in which he had been overruled by his Archbishop? It was the Bishop who, knowing the parties, was the best judge in the case of a dispute arising between a clergyman and his parishioners. It was unfair to give an appeal on one side only, and an appeal in favour of the prosecution on a matter of discretion was uncommon in any legal Court. In conclusion, he trusted that the measure would not be allowed to contain any matter which would provoke those well-meaning and earnest, but mistaken men, who held particular views on the subject of public worship, and who had already been much excited at the prospect of the passing of this Bill.

EARL FORTESCUE trusted their Lordships would not dissent altogether from the principle of the Amendment. He thought it necessary to have some security that the just complaints of the laity should not be silenced in particular dioceses, and he knew no better means of obtaining that security than giving the Archbishops power to direct that a case should be proceeded with. The Archbishops were, as a general rule, men of great moderation and discretion, and it sometimes happened—as in the case of the late Bishop of Exeter and others—that a man was chosen to preside over a diocese who would not be considered qualified to preside over a Province.

THE MARQUESS OF SALISBURY was of opinion that the Amendment proposed by the noble and learned Lord on the Woolsack did not in the least degree alter the substance or meet the objections which had been raised to the Amendment adopted by the other House. It left the matter precisely as before—or rather it made it worse; for whereas under the Amendment agreed to by the House of Commons the interference of the Archbishop would depend upon the pertinacity or length of purse of the persons making the complaint, under

the Amendment now proposed the Archbishop would always, and as a matter of course, interfere. Moreover, it seemed to him that the particular form of his noble and learned Friend's Amendment would be more derogatory to the dignity of the Bishop than the form of the Amendment as it came from the other House. He could not imagine any position less satisfactory or less dignified than that of a Bishop appearing in public as the author of a policy or the exponent of opinions ostensibly independent while in reality he was forced by the action of the law to act as the mere mouthpiece of a more powerful person who remained behind, and who had the privilege of dictating what was to be said. Under the Amendment sent up by the House of Commons, the Archbishop and the Bishop would each stand before the country bearing his own responsibility; but under that of the noble and learned Lord the Archbishop would decide in secret, while the Bishop would have to bear the burden in public. If the anomalous power was given to any man of closing or opening the door of a Court of Law, it ought at all events to be exercised under the full criticism of public opinion. There ought to be the security which would result from a feeling on his part that he would be praised or blamed according as in the eyes of his country he did right or wrong. But under the proposed Amendment no one would be able to say for certain whether it was the Archbishop or the Bishop who was responsible for the initiation of a prosecution; for it was a great mistake to suppose that, because it took away the appearance of appeal, the Amendment was really more favourable to the power or to the discretion of the Bishop than the Commons' Amendment—the contrary was the case. There was one consideration which he would venture to urge as a ground for rejecting the Amendment agreed to by the House of Commons, whether as it stood or in an altered form. One of the great difficulties with which the Bishops would have to deal in the administration of this law would be connected with its effect, not only on the clergy, but on those who were becoming candidates for holy orders. As to the clergy, it might be said that they had taken an irrevocable vow and must submit, whatever the three parishioners and the Bill might inflict; and Parlia-

t pleased, laugh at their despise their struggles. o with the candidates for ad not taken the vow, nown that they exercised independent judgment, it which might lead to regard to the dissensions g on within the Church. r of notoriety that for ver since the era of gation began—there had ling off in the number of orders; and he feared ters binding the clergy l—as their course was ficult—as they became the malignity of wander- d as it was made more egrading penalties upon ne proportion it would be lead to place their neck re would increase on the ho had thoughts of bet- tes. He had no doubt rork tolerably harmlessly vorked tenderly; but in that result, it must be e who knew the circum- case and who would bear ty of their acts. If the e Bishop's veto were done ared that, even although no resistance among the e-blood of the Church d, because the candidates ld fall off, not only in the quality of the men, ery man of independent ink from exposing him- gers which the Bill, if ied out, would involve. n said of the majority lace" and of the peril Bill would be if the issuision were rejected. eat deal of that kind of ny particular course had the other House of Par- ould be borne in mind rity was only 23, and ere most interested in Amendment were the very ove all things, desired ould pass. It was absurd, e that if the clause were ould not be found 12 m with sufficient common the Bill without it rather ltogether. He, for one,

therefore, utterly repudiated the bugbear of a majority of the House of Commons. It was, he contended, their Lordships' duty to take the course which they deemed to be right. Upon them rested the responsibility of making a measure which could be worked with safety to the peace, prosperity, and order of the Church of England, or one which would issue in endless calamities and disasters.

THE LORD CHANCELLOR said, that as his Amendment did not seem to meet with much favour, he would not press it, and would put the original Question, that the House agree with the Commons' Amendment.

On Question? Their Lordships *divided*: Contents 32; Not-Contents 44: Majority 12.

#### CONTENTS.

Canterbury, Archp.	Bridport, V.
Cairns, L. ( <i>L. Chan-</i>	Canterbury, V.
<i>cellor.</i> )	Hawarden, V.
York, Archp.	
	Churchill, L.
Richmond, D.	Cottesloe, L.
	Ellenborough, L.
Hertford, M.	Fitzwalter, L.
	Hammond, L.
Amherst, E.	Monson, L.
Bradford, E.	Penrhyn, L.
Camperdown, E.	Penzance, L. [ <i>Teller.</i> ]
[ <i>Teller.</i> ]	Redesdale, L.
Derby, E.	Saltoun, L.
Fitzwilliam, E.	Seaton, L.
Fortescue, E.	Skelmersdale, L.
Harrowby, E.	Somerton, L. ( <i>E. Nor-</i>
Malmesbury, E.	<i>manton.</i> )
Shaftesbury, E.	Strathnairn, L.
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#### NOT-CONTENTS.

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Bristol, M.	Rochester, Bp.
Salisbury, M.	Salisbury, Bp.
Winchester, M.	Winchester, Bp.
Bantry, E.	Boyle, L. ( <i>E. Cork and</i>
Beauchamp, E.	<i>Orrery.</i> )
Carnarvon, E.	Clements, L. ( <i>E. Lei-</i>
Devon, E.	<i>trim.</i> )
Feversham, E.	Colchester, L.
Mansfield, E.	Dunmore, L. ( <i>E. Dun-</i>
Nelson, E. [ <i>Teller.</i> ]	<i>more.</i> )
Pembroke and Mont-	Elphinstone, L.
gomery, E.	Ettrick, L. ( <i>L. Napier.</i> )
Powis, E.	Foxford, L. ( <i>E. Lime-</i>
	<i>rick.</i> )
De Vesci, V.	Hampton, L.
Hereford, V.	Hatherley, L.
Strathallan, V.	Ker, L. ( <i>M. Lothian.</i> )
	Lytelton, L.
Chichester, Bp.	Rayleigh, L.
Ely, Bp.	Silchester, L. ( <i>E. Long-</i>
Lichfield, Bp.	<i>ford.</i> )
Lincoln, Bp.	Sondes, L.

Stanley of Alderley, L.      Walsingham, L.  
 Strafford, L. (*V. En-*      Waveney, L.  
    *field*.)      Zouche of Haryng-  
 Templemore, L.      worth, L.

*Resolved in the negative.*

Commons' Amendments on Clauses 13, 14, 15, and 16, *agreed to*.

On Clause (B), the clause appointing the hereditary Visitors of the Universities to exercise the powers of a Bishop under this Bill,

THE EARL OF PEMBROKE objected to his being made a Bishop against his will. He said that nothing could be more absurd or farcical or more likely to cause scandal than that a young gentleman like himself, who was utterly ignorant of Ecclesiastical Law, should be put in such a position.

THE MARQUESS OF SALISBURY said, he also was made a Bishop. It was the wish of those most interested in the matter, that the noble Earl should be one of those to be called upon to act if necessary under the Bill.

On Clause (C),

THE BISHOP OF OXFORD said, he would propose to disagree with as much of the clause as applied to the case of the chapels of the Colleges and Halls in the Universities of Oxford, Cambridge, and Durham. There were many circumstances referring to the Colleges which rendered the Bill singularly inapplicable to them, and no accusation had been made against them which would render them amenable to the penalties of the Bill.

THE LORD CHANCELLOR pointed out that there was a difficulty in applying the clause to the Temple Church and the chapels of Lincoln's Inn and Gray's Inn, which were practically private chapels as far as the jurisdiction of the ecclesiastical authorities. They were only brought under the operation of the Bill by the clause under discussion, which specified that the Archbishop of Canterbury should have jurisdiction, a proposal to which he could not agree.

THE ARCHBISHOP OF CANTERBURY in supporting the clause, said, that no difficulty would arise in administering its provisions as far as the University chapels were concerned. There were two classes of offences aimed at by the Bill—the offence of altering the structure illegally, in which case it would be restored to its original condition, and the

Bill sent to the Society; and the same was where the officiating clergy committed an offence, in which case appeared there ought to be a power to the Bishop to suspend him.

THE ARCHBISHOP OF YORK said that the Colleges were at present under the control of the Visitor, and that so he did not see that there was necessity for the proposed interference with the College chapels.

Commons' Amendment *disagreed*  
 Amendments in Schedules *agreed*

A Committee appointed to prepare Reasons to be offered to the Commons for the Lords disagreeing to assent to the said Amendments; The Commons to meet *forthwith*; Report from Committee of the Reasons; *read and agreed to*; and a Message sent to the Commons to return the said Bill with the Amendments and Reasons.

House adjourned at Nine o'clock,  
 tomorrow, Twelve

## HOUSE OF COMMONS

Tuesday, 4th August, 1874

MINUTES.] — PUBLIC BILLS — *Considered as amended*—*Third Reading*—Education Bill \* [239], and *passed*.  
*Considered as amended*—*Third Reading*—Countryside Bill \* [154].  
*Third Reading*—Irish Reproductive Labour Bill \* [183]; Commissioners of Works and Buildings \* [188], and *passed*.  
*Withdrawn*—Coroners (Ireland) \* [44].  
*Withdrawn*—Tenant Right \* [92]; Borough Franchise Bill \* [35].

## LEICESTER BOROUGH MAGISTRATE'S QUESTION.

MR. A. M'ARTHUR (for Mr. TAYLOR) asked the Secretary for the Home Department, whether it is a fact that six additional magistrates have been appointed for the Borough of Leicester without any recommendation or opportunity for discussion on the part of the municipal authorities; in what state on whose recommendation appointment has been made; and whether it will lay upon the Table any Bill relating to such appointment?

MR. ASSHETON CROSS, in reply, said, he had consulted his noble friend the Lord Chancellor on the subject.



formed that it was a misapprehension to suppose that borough magistrates appointed by the Lord Chancellor on the recommendation of any body. County magistrates appointed by the Lord Chancellor on the recommendation of the Lord of the county; but borough magistrates were appointed by the Lord of the county on his own responsibility. The Lord Chancellor was always ready to receive any communications from a local corporation or public body, individuals, as to the state of the county, but he did not conceive it to be proper to invite a public discussion of the qualifications of persons proposed to be appointed. In the case of Leicester, the Lord Chancellor appointed six gentlemen whom he considered well qualified to discharge, one of whom was the High Sheriff, a gentleman well adapted to discharge his duties, but of Liberal politics. At the commencement of the year, the magistrates, four of whom had been appointed to reside in the borough, did not follow the practice, and would be unable to attend to the public service, to lay before the Papers relating to such

#### MUNICIPALITY ACT—NATIONAL MONUMENTS—ECCLESIASTICAL BUILDINGS.

##### QUESTION.

**MR. HENRY** asked the Secretary for Ireland, Whether it was the intention of the Board of Works to carry on the repairs of the National Monuments for which funds have been vested in them under the 26th sections of the Irish Act, without obtaining the assistance of an Inspector specially skilled in the restoration of the ancient architecture of Ireland?

**MICHAEL HICKS-BEACH**: The Board consider the Act in reference to these monuments to be confined to their preservation and not to their restoration. For the former the assistance of a superintendent, skilled in practical matters and technicalities of architecture, is, in their opinion, of the first importance, and such a person they are employing. But should circumstances arise at any time to render necessary that the advice of an archaeologist should be obtained, they would consider it their duty to seek for such

#### THE SULTAN OF ZANZIBAR.

##### QUESTION.

**SIR WILFRID LAWSON** asked the Under Secretary of State for Foreign Affairs, Whether the Sultan of Zanzibar, since the signing of the Treaty in May last year, has not, through Her Majesty's Representative, intimated a wish to visit England; and, if so, whether Her Majesty's Government will not, in view of furthering the object of that Treaty, deem it expedient to facilitate such a visit?

**MR. BOURKE**: I understand that the Sultan of Zanzibar has upon one or more previous occasions intimated his wish to pay a visit to England; but no communication to that effect has reached Her Majesty's present Government. Two or three days ago a letter was received from the Sultan of Zanzibar; but there has not yet been sufficient time to ascertain Her Majesty's wishes upon the subject.

#### CONVOCATION—THE LETTERS OF BUSINESS.—QUESTION.

**MR. HOLT** asked the First Lord of the Treasury, Whether the Letters of Business issued to Convocation, authorizing that body to consider and report on the Fourth Report of the Ritual Commission, are to be understood to authorize them to make suggestions as to changes in the Rubrics not recommended by the Commissioners?

**MR. DISRAELI**: Mr. Speaker—The Letters of Business issued to Convocation, my hon. Friend will observe, are legal documents. They now lie on the Table. It would be, I think, an act of presumption on my part to offer an interpretation of legal documents. The Letters of Business have been adopted by the present and by the late Government, and I conclude that they are in their tenour appropriate and clear.

#### JUDICATURE ACT—REDISTRIBUTION OF CIRCUITS (ENGLAND).

##### QUESTION.

**MR. CHARLEY** asked the Secretary of State for the Home Department, Whether it is the intention of Her Majesty's Government to carry out, during the Recess, the recommendations of the Judges with respect to the redistribution of Circuits in England?

really raised by the substitution of an £8 rating for a £10 rental qualification. If Government would take the matter in hand, and apply to Ireland the principles adopted in England, they would do much to conciliate the people of Ireland. As a matter of form, he would move the second reading of the Bill, so that he might not have made a speech on false pretences; but, of course, he did not mean to press the Motion.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Butt.*)

Mr. VANCE regretted that the matter had not been brought forward earlier in the Session and before so many Irish Members had left town. The hon. Member for Carlow (Mr. Bruen) had given Notice of his intention to move the rejection of the Bill, and doubtless would have been prepared to reply to the hon. and learned Member, who, however, had travelled very much beyond his Bill, that was simply a measure to reduce the franchise in Ireland from one of £4 to a general household suffrage. He had to thank the hon. Member for his intention not to disfranchise his borough in his new Reform Bill; but there was little doubt if he carried the Bill he now proposed, instead of a majority which he had at present, he would absorb the whole representation of Ireland under the banner of Home Rule. Before the last Reform Bill the franchise in Ireland was at £8; it was now reduced to £4, and the reason for fixing £4 was that below that rental the landlord always paid the rates. In the present state of Ireland it would be a dangerous experiment to reduce the franchise below £4. Below that line they would introduce a class of people who were not worthy of the franchise, and who were not intelligent enough to exercise it.

Mr. MACARTNEY said, he hoped the Motion would not be pressed to a division, because that would place in a false position many on the Ministerial side of the House who thought the franchise ought to be lowered, though not to the extent contemplated by the hon. and learned Member for Limerick. There were persons occupying houses at rentals of £2 who might be invested with the franchise; but it would not do to admit the class paying 5s. or 10s. a-year

*Mr. Butt*

Mr. MITCHELL HENRY could see how it was possible for them to add any other principle than that it should be a fair and real representation of Irish feeling in that House. Parliament could not eventually resist the demand made by the Irish people, or that they should be allowed to manage their own affairs or be placed on a par of equality with England and treated as an integral part of the United Kingdom.

Motion, by leave, *withdrawn*; *withdrawn*.

#### FIJI ISLANDS—ANNEXATION RESOLUTION.

Mr. WILLIAM M'ARTHUR to move—

"That this House is gratified to learn Her Majesty's Government have yielded unanimous request of the Chiefs, Native population, and White residents of Fiji, for annexation to this Country, so far as to disengage Hercules Robinson to proceed to those Islands with a view to the accomplishment of that object."

The hon. Member said, he had no objection in declaring that the decision of Her Majesty's Government had at least given great satisfaction not only to a large majority of the people of the country, but to the colonists of New South Wales and the inhabitants of the Fiji Islands. He asked the House to thank him for referring in the first place to a matter which was personal to him. A few weeks ago, when, at the request of the right hon. Gentleman the Minister, he gave way in favour of a measure of great importance then before the House, exception was taken to the statement he made on that occasion to what he understood to be the intention which Her Majesty's Government intended to pursue on this subject. In explanation he must now say that in listening to the speech of the noble Lord the Secretary of State for the Colonies it seemed impossible for him to come to any other conclusion than that which he drew from it. What was the language of the noble Lord?

"On this general review of the circumstances your Lordships will not be surprised to find that it is the feeling of Her Majesty's Government that they cannot decline the duty of accepting these Islands. If we do not accept them, we accept them; and it then becomes important to know how this is to be done."

The noble Lord then proceeded to say that they could not accept the condi-

laid down by Mr. Thurston, the so-called Prime Minister of Fiji, but that they had come to the determination of sending Sir Hercules Robinson to place the matter "fully, fairly, and candidly before the Chiefs and the White population." That was the statement of the noble Lord the Secretary of State for the Colonies. For his own part, he regretted exceedingly that the cession was not made free of all conditions; but, nevertheless, he had no fear of the result. The King, the Chiefs, and the White population would, no doubt, agree to the proposal of Her Majesty's Government, and trust to the honour of England to carry out such arrangements for the future government of the Islands as would be just and fair to all parties. The Government had acted wisely in deciding to send out Sir Hercules Robinson, and the country was laid under great obligations to the noble Lord at the head of the Colonial Department for the straightforward and statesmanlike course he had taken in the matter. He trusted the House would approve the measure of the Government for the extension of British authority to the Fiji Islands; and he appealed to the House with more confidence because it could not be alleged that the subject had been prematurely brought forward, or that it had not been sufficiently discussed. On the contrary, no question submitted to the Imperial Parliament had occasioned a more protracted discussion. He would remind the House that the proposal to annex Fiji dated as far back as the year 1859. At that time Mr. Pritchard, our Consul at Fiji, came to this country armed with powers to make a cession of the Islands to the British Crown. Lord Russell was then Colonial Minister. He sent out Colonel (now Major General) Smythe to report on the state of the Islands and the feeling of the population. When he returned he reported against the cession, and the Government approved and acted upon the terms of his recommendation. Since then Colonel Smythe had acknowledged that he had been in error, and had expressed his regret at the course he had then taken. His belief latterly was that it was to our interests to annex the Islands. The hon. Member for Birmingham (Mr. Dixon) had also opposed the annexation, but only a short time ago he had acknowledged that his former opinion was wrong, and that it was our

duty to accept the Sovereignty of these Islands. He (Mr. M'Arthur) contended that the objections against the annexation had never been based upon the merits of the question at all, but had been urged upon altogether false issues. In the course adopted by the late Government, doubts were suggested as to whether the inhabitants of the Islands really desired the establishment of British authority. Hopes were expressed that the attempt to found a Fijian Kingdom under European control might prove successful; a fair trial was asked for Cakobau, and his nondescript Government; and finally, when it was considered necessary that some definite steps should be taken, Lord Kimberley sent out a new Commission of Inquiry. Commodore Goodenough and Mr. Layard had since made their Report, recommending the annexation of the Islands, a recommendation which Her Majesty's Government had wisely thought it right to adopt. In the accounts of their interviews with the Fijian authorities no pressure of any kind appeared to have been employed, and the circumstances actually attending the offer of the Islands to Great Britain proved the *bona fides* of the cession. In the first instance, the King declined to cede Fiji; but soon after he expressed a wish to re-consider the matter, and the result was, that on the 26th of March last, a conference both of Chiefs and Consuls was held at Nasova, and then and there the King and Chiefs unanimously ceded the Government of Fiji to the Queen of England. These accounts showed that, in offering to become British subjects, the Native authorities acted solely upon their own sense of what was best for the interests of their country, and without any improper pressure being brought to bear upon them. It was clear from the Report of the Commissioners that Her Majesty's Government had no honourable alternative but that of annexation. The policy of the late Government led directly up to that point, and we could not now recede from it. If the Government had repudiated all responsibility and left the Fiji Islands to their fate, such a policy, though to the last degree un-English and anti-national, would, at least, have been intelligent and consistent. But such was not the policy actually adopted. Her Majesty's Government did not act on the theory of

maintaining a neutral position; but, on the contrary, perpetually interfered with the affairs of Fiji. During the last two years there had scarcely been a day on which a British cruiser was not anchored in the Bay of Levuka. The presence of that cruiser of itself constituted an act of intervention; but the interference assumed a much more positive political character. It was stated by the Commissioners that the Fiji Government was only able to keep its position by the aid which it received from one of Her Majesty's Ships. Was this a policy which could be justified? It was one which carried with it all the disadvantages which were said to be involved in annexation without any of its attendant benefits. Let not the House, however, suppose he was arguing that as between intervention and non-intervention it would have been better not to interfere at all. On the contrary, he thought it was better that a British cruiser should save the Islands from anarchy than that the peace of the country should be sacrificed by hostile factions; but the wise and just course, in his opinion, would have been to establish British authority in Fiji some years ago, before civil strife and the fear of bloodshed and massacre had driven the planters into bankruptcy, compelling them to mortgage their lands to absentees. There was therefore no alternative left but for the Government to accept annexation. Were they to leave the Islands as they were now, there would remain no authority capable of preserving public order and of carrying on a Government sufficient to keep society together. He would, with the permission of the House, refer to the opinion of the Commissioners, who, when asked whether there was a reasonable prospect of that end being accomplished in the event of our withdrawal, replied—

"There is no reasonable prospect that a Native Government can continue to preserve order; it is, indeed, impossible for them to do so."

For his own part, he should be greatly alarmed at the prospect did he not feel that Her Majesty's Government fully realized the responsibility of accepting the duties which devolved upon them. It was therefore with no little satisfaction that he had read the concluding sentence of the Earl of Carnarvon's admirable speech, in which the noble Earl said—

*Mr. William M. Arthur*

"I believe the difficulties, when boldly faced, will not be found to be so very formidable, provided the cession comes to us untrammelled by unworkable conditions; and although I am not aware of the magnitude of the task, I, for one, shall not be afraid to encounter it."

The Report of the Commissioners corroborated the opinion of Captain Washington, the Government hydrographer, as to the position of the Fiji Islands. Anyone looking at the map must be struck with the fact pointed out by Captain Washington of the entire want of Great Britain of any advanced position in the Pacific Ocean. While on the one side we had Australia, and on the other Vancouver's Island and Columbia, we had not an islet or rock on the 7,000 miles that separated those territories, and we had no island on which to place a coaling station where we could insure fresh supplies. Was that the position in which a great maritime Power like Great Britain should be placed in the Pacific? Recent events had rendered these Islands still more important. A line of steamers now ran between Australia and San Francisco, calling at Fiji on their way, and thus bringing it within 40 days' sail of England. France was about to establish a line of steamers to New Caledonia on the one side and Tahiti on the other, making Fiji a central depôt. The United States had secured an admirable harbour in the Navigators' Islands, and a movement had lately been set on foot—which he had little doubt would be successful—to annex the Sandwich Islands to that country. Surely, therefore, our interests in the Pacific imperatively demanded such a port as the Fiji Islands would give us, not only because of its strategic importance, but in connection with the trade which was likely to be developed. On this subject, the Report of the Commissioners was most satisfactory. They confirmed Dr. Seeman's Report, and said his predictions had been amply fulfilled by experience. These Islands might be regarded as the home of the cotton plant, but a new branch of industry had sprung up, which was likely to make Fiji the Mauritius of the Southern Hemisphere—namely, the cultivation of sugar; its hills also were well adapted for the growth of coffee. Persons who could speak with authority on Fijian matters bore testimony to the great capabilities of the country. There were two or three considerations in

favour of annexation which he was anxious to impress upon the House. In the first place, the present depressed state of affairs rendered the time a favourable one for a bold change of policy. With property changing hands, and the prospect of the advent of a new proprietary, there was reasonable hope that the turbulent elements which had hitherto existed in Fiji might have left the country before the establishment of a new Government. At all events, now that a portion of the community was itself in a state of transition, we might confidently expect that a British Governor would have less difficulty in carrying out his measures than if he were surrounded by men whose passions, lately excited to fever heat, had hardly yet had time to cool. There was, however, another argument to which he had not adverted. Without annexation, was it possible to put down slavery or regulate the labour traffic? If Fiji was to remain a separate kingdom, it would be impossible for Mr. Layard to enforce those measures for the protection of the Natives which he had already instituted. We should stultify ourselves in the most extraordinary manner, because we should be compelled to abandon the duties which we knew to be essential to the successful prosecution of the national policy on the subject of the slave trade. He was not aware that in taking over Fiji that question would have to be considered. In the interests of civilization and humanity that consideration was not entitled to much weight on the part of a great country like England. But there was no reason to believe that the Government of Fiji might not be made self-supporting, and would not require one shilling to be taken from the pockets of the English taxpayer. A Crown Colony could be established at a moderate cost. Moreover, it would be fair to ask, what was the expense of the existing system? He should like to move for a Return showing the actual expense which had been entailed by the presence at Fiji for months and years past of every man-of-war stationed there, and also of those employed in the effort of suppressing kidnapping throughout the Pacific. On the ground, therefore, of economy as well as humanity, he advocated the annexation of Fiji. He had stated to the House some of the reasons which induced him to ask it to support his

Motion. He now came to the Amendment placed on the Paper by his hon. Friend the Member for Chelsea (Sir Charles Dilke), to the following effect—

"That this House considers that, having regard to the existence in the case of Fiji of difficulties caused by a heavy debt, by the necessity of 'subjugating and removing' 20,000 ferocious mountaineers, and by the fact that domestic slavery is pronounced by Commodore Goodenough and Consul Layard, in their official Report, to be 'the foundation of social order' in Fiji, it is necessary that great caution should be used in approaching the subject of annexation."

That Amendment divided itself into three heads—first, the debt; secondly, the existence of domestic slavery; and thirdly, the necessity of subjugating and removing 20,000 ferocious mountaineers. As regarded the first, there was really no difficulty in the way; for, only let confidence be established by annexation, and capital would flow in from all quarters. The cost of a Crown Colony might be estimated, at the very utmost, at £15,000 a year. He had very little doubt but that the revenue would soon be at least £40,000. This would pay all demands, and leave a good sinking fund. Besides, New South Wales and New Zealand had offered to take their fair share of any burdens that might press upon the Islands. As to domestic slavery, they knew it did exist, and they had it recorded by the Commissioners that prisoners taken in war were sold by the Fijian Government, and the money paid into the Treasury. But did any one imagine this would be tolerated, even for a day, when the British flag floated over the Island? Commodore Goodenough had already denounced the practice. The most effectual mode of putting it down was by annexation. Then with regard to the "20,000 ferocious mountaineers," he had reason to believe that the number was greatly exaggerated. The Commissioners stated that the Rev. Mr. Langham, who was a very good authority, had estimated the number to be about 7,000. It should be remembered, however, that a generation had already passed over since all the inhabitants of Fiji were in the same state. What was now the Report of the Commissioners? That of the 140,500 which constituted the outside limit of the Native population, 120,000 of them "lotued"—that meant they professed a wish to become Christians, and accepted a Christian teacher, and that the atten-

dance at Church worship numbered 113,000. They were also informed through the same document—

“Fiji is blessed with a most virtuous native race, who, aided by the good teaching of the missionaries, have managed to keep themselves wonderfully free from the contamination of the vices of civilization.”

The same influence brought to bear upon the mountaineers would, he believed, produce similar results; and he concurred in the testimony of the Commissioners with regard to those devoted men who had been the means of accomplishing such great results, but who had been unjustly assailed in certain high quarters. He was content to set off the testimony of Her Majesty's Commissioners against the reckless assertions of a noble Earl (the Earl of Pembroke) and his doctor, who, after visiting the Pacific, foolishly rushed into print, and sent out to the world a book, bearing the singularly appropriate title of *South Sea Bubbles*. In conclusion, he would again congratulate Her Majesty's Government on the policy they had adopted in regard to this question. The right hon. Gentleman the Prime Minister, in a speech delivered some two years ago, justly remarked—

“No Minister in this country will do his duty who neglects any opportunity of re-constructing, as much as possible, our Colonial Empire and of responding to those distant sympathies which may become a source of incalculable strength and happiness to this land.”

In those sentiments he fully concurred, and he rejoiced to know that the Colonial policy of Her Majesty's Government was based upon those great principles, and that they were endeavouring to carry out that policy, not only on the Gold Coast, but now in relation to Fiji. Such a policy, he was convinced, would meet with the approval of the people of this country, because it was in harmony with those glorious traditions of the Empire which had encircled the globe with free communities of Englishmen. It was a policy in accordance with the sentiments of those noble Australian Colonies which had so largely contributed to the wealth of this country—a policy which, while it effectually crushed that cursed slave trade, hitherto our humiliation and disgrace, gave us, at the same time, the finest group of islands in Polynesia, and secured to England the maintenance of her maritime power and ascendancy in

the Pacific. The hon. Gentleman concluded by moving his Resolution.

MR. BAILLIE COCHRANE, in seconding the Motion, agreed with the hon. Member for Lambeth that the Government had taken the wisest course which could be adopted in regard to the Fiji Islands. Their policy would be agreeable not only to Fiji, but also to the whole of the Australian Colonies. It would put down that sentiment which had existed for some time among some of the people of this country—he did not know how that sentiment originated, whether with the late Government or with the late Under Secretary for Colonial Affairs—that it was our interest, as soon as possible, to shake off connection with our Colonies. The position of these Islands was of vast importance to England. There was a distance of 7,000 miles between the Australian Colonies and the continent of America, and it was highly desirable we should have some intervening place for coaling our war steamers and for provisioning our Navy in case of war. He agreed with the account which Commodore Goodenough and Mr. Consul Layard had given of the character of the Natives of Fiji, and he believed there would not be many difficulties or dangers in carrying out the wise policy of Her Majesty's Government. The hon. Gentleman had, however, cast an undeserved reflection upon the work of Lord Pembroke, which was very interesting, and gave a clear notion of the disposition and character of these people. Nothing which the Wesleyans might have done in this country in the past century could surpass the remarkable results of their efforts in Fiji. All the people of the Islands were cannibals 33 years ago. The present Chief, whom it was ridiculous to call a King, had himself been a cannibal; and he could narrate one or two disagreeable anecdotes to show what the Chief had been guilty of. The Returns of the Fijian Mission for the year ending April, 1867, gave the following statistics:—Chapels, 481; other preaching places, 238; missionaries, 12; Native assistant missionaries, 38; catechists, 591; day school teachers, 1,351; local preachers, 474; church members, 17,829; attendants on public worship, 90,442; day schools, 1,215; Sabbath schools, 750. Considering the character of the people, and the dangers and difficulties of the work, this result of only 33 years'

labour could not but be considered as most successful and surprising. Agreeing generally with the policy of the Government, he wished with great submission to offer them one or two suggestions. He had greatly admired the perspicuity of the speech of the Colonial Secretary in "another place," showing, as it did, a thorough knowledge of the subject; but the Government must look fairly in the face the fact that 20,000 mountaineers remained cannibals. In 1869, Mr. Baker, a missionary, and seven teachers who accompanied him, were killed and eaten by these mountaineers. The first difficulty to be encountered would be the land question. It appeared that every inch of land in Fiji was occupied under such laws and regulations as existed; and there was a Polynesian Company which set up a claim to 200,000 acres of land. He thought that before Her Majesty's Government hoisted the British flag they should distinctly know what was the position of the land question, so as to avoid getting involved in difficulties. He would make a suggestion on the subject. A gentleman well acquainted with the Islands said, that in taking possession of them they should at once assert a right of pre-emption—he did not say in what proportion—paying one-fourth more than its value. The effect of that would be that if the Government made an advance, or guaranteed a loan of, say, £50,000, for the purchase of the land, it would repay them not 10, or 20, but one hundred-fold, and immediately. In this way not only would capital be given to the settlers, which could be laid out upon the land, but the Government would be in a much better position to promote emigration. A good deal had been said about organizing a Native force. Before we attempted to colonize a country which a short time since was in a state of barbarism, we ought to do everything we could for the safety of the people. He would suggest that for four or five years we should send out a portion of an English regiment, as we originally sent troops to the Australian Colonies. We had withdrawn our troops from those Colonies because they had attained to a state of civilization which rendered it unnecessary for us to keep them there any longer; but he did not know of any Colony where we began our work with a purely Native force. Three

or four companies of Home troops would give due protection to the settlers who would resort to these Islands. It was desirable we should not begin this work in a too economical spirit—that we should not look too closely at pounds, shillings, and pence. It was proposed that the Governor should receive £1,200, and that the other salaries should be in proportion. In this country, gentlemen of great ability could be found to give their services for £1,200 or £800 a-year; but an opinion of the importance of the new Colony would be formed from the position of the Governor, and no gentleman who engaged in such arduous duties as would have there to be performed should receive less than £4,000. As to the Legislative Council, and "his Majesty the King," "his Excellency the Viceroy," and "his Majesty's Ministers," that was all nonsense and a mere burlesque, and must be abolished. Her Majesty's Government would do quite right to make this a Crown Colony of a rather severe type. Annexation would be most gratifying to the Australian Colonies; it would afford us a basis of operations for putting down the disgraceful Polynesian slave trade, and it would add to the stability of our Colonial Empire; and for these reasons he seconded the Motion.

Motion made, and Question proposed,

"That this House is gratified to learn that Her Majesty's Government have yielded to the unanimous request of the Chiefs, Native population, and White residents of Fiji, for annexation to this Country, so far as to direct Sir Hercules Robinson to proceed to those Islands, with a view to the accomplishment of that object."—(*Mr. William M. Arthur.*)

SIR CHARLES W. DILKE said :  
Mr. Speaker, my Amendment says—

"That having regard to the necessity 'of subjugating and removing' 20,000 ferocious mountaineers, and to the fact that domestic slavery is pronounced by Commodore Goodenough and Consul Layard, in their official Report, to be 'the foundation of social order' in Fiji, it is necessary that great caution should be used in approaching the subject of annexation."

I have not spoken of annexation as being decided upon; but I have assumed that it is in view, and possible at an early date, and that, I fear, without fresh reference to Parliament. In fact, there is no cession as yet; but there may be one to-morrow if Sir Hercules Robinson pleases. It is unusual that

Parliament should delegate the power to an individual of accepting the annexation of a new colony. But I do not dwell upon this point. I only mention it, and I pass on at once to my reasons for believing, that while there may be some hurry in this matter, there possibly may be too great a hurry, and that in the face of special circumstances, which make caution more than usually desirable. I have not named in my Amendment the debt of the Islands, with which I would couple the general expense of annexation, but have pointed only to the possibility of war with the mountain Tribes and to slavery. I will treat those subjects in that order, after first saying a few words as to the expense and the debt. With regard to the debt of Fiji, and to the cost of organizing its Government, the Earl of Carnarvon, in the course of his official statement, said that—

“There was not only the greatest possible difficulty in Fiji on the question of the land titles, which were inextricably confused,”

and as to which, I might add, our New Zealand wars ought to be to us for ever a warning; but he also went on to state, that the debt of Fiji would form another tremendous difficulty—

“In the course of two years,” he said, “so reckless was the financial administration of the Government there that £124,000 was spent, and a debt of £87,000 remains as a legacy. . . . The calculations of the Commissioners are not as satisfactory as I could have desired—indeed, I think, they are illusory— . . . The first few years will be years of difficulty.”

These last words, if I may make a comment, seem to show that annexation is looked upon as certain by the Earl of Carnarvon, and that the mission of Sir Hercules Robinson is really intended to alter the conditions upon which it is to take place—the fact itself being considered as settled. Now, what is this debt? It is a debt that was contracted by persons who have been called in this House, by a Member of the present Administration (Sir James Elphinstone), “a set of the most unmitigated ruffians in the world;” but whom I will only describe as adventurers. Mr. Burt and Lieutenant Woods contracted a large portion of this debt in Sydney, at 90 per cent, by pledging lands which they never owned, and which they would have had to steal before they could sell them for State purposes. I am not going beyond the words of the official Report,

as will be seen by an examination of page 3, of pages 8 and 9, and of the Appendix. I believe that even the existing Government of Fiji has a Minister of Public Lands at a salary. Certainly, it has accepted a loan raised on the security of public lands; but there are no public lands in Fiji—not a single acre. In addition to this strange debt, we must look forward in contemplating annexation to a great expenditure: even putting out of sight the possibility of a war with the Mountain tribes, to which I will presently allude. When the late Government declined to accept the cession of Fiji, but proposed to New South Wales, that that colony should annex the Islands, the Government of Sir James Martin, in refusing, gave as their chief reason the very great expense of converting Fiji into a British colony; and they are near the spot and know what the expense would be better than we can know. The Earl of Carnarvon himself, however, in his official statement said—

“I do not mean to say that the Report of the Commissioners is, in my opinion, an altogether satisfactory one. I do not think the calculations of the Commissioners are so reliable that we can trust to them on all important points.”

And in other words which I have already read he explained to us that the estimates of the Commissioners as to the probable revenue and expenditure are “illusory.” So much for the first head of my case which deals with the necessity of caution arising out of the undefined—not to use a harsher word—nature of the Fiji debt, and the danger of great expense which would be caused by the annexation—leaving aside for the moment the bearing upon this point of the possibility of land riots, slavery riots, and war with the Mountain tribes, to which I will presently advert. I come now to the case of these Mountain tribes. The hon. Member for Lambeth (Mr. M'Arthur) in 1872 said that the abominable existing Government of Fiji, of which he was at the time complaining, positively intended—

“to bring the Mountaineers under subjection by military force and to occupy their land. If Fiji were under this country nothing of the kind would occur.”—[3 *Hansard*, cxxii. 146.]

Nothing of the kind would occur! Why our Commissioners, Commodore Goodenough and Consul Layard, actually inform us that this course will be of the first necessity, and that our very first

*Sir Charles W. Dilke*



not in assuming the government of these Islands, must be to "subjugate and remove" 20,000 mountaineers, whom I have ventured in my Amendment to style "ferocious," inasmuch as the Commissioners also inform us that amongst them "cannibalism, strangulation of widows, and infanticide," extensively prevail. The first statement will be found at page 10 of the Report and the second statement at page 15. Those persons it is proposed to "subjugate and remove"—where to, I do not know—by the use of a portion—for most of them will be needed to keep order in the settlements—a portion of the native police force of 300 men; and if a single man beyond that were needed, the estimates of revenue and expenditure made by the Commissioners, would become as the Earl of Carnarvon says "illusory." In 1872 the hon. Member for Sandwich (Mr. Knatchbull-Hugessen) said that—

"there existed among the Mountain tribes many barbarous practices, which it would be impossible to tolerate in a British possession, but which could not be eradicated without great difficulty and no inconsiderable labour and expense."—[3 *Hansard*, ccxii. 206.]

But the present Commissioners are so well aware of the necessity of eradicating them, that giving up, it appears, all idea of reforming those mountaineers they propose to eradicate the mountaineers themselves and to remove them to a future place of residence unknown. I have been told by a gentleman from whom, I believe, the hon. Member for Lambeth gets his information that a gratifying spread of civilization is observable among these Mountain tribes; but I believe that it does not go further than this point—namely, that now they eat only their enemies, whereas formerly they used to eat their friends. I come now to the third and principal of the points which force me to beg for caution—namely, slavery. The Earl of Carnarvon did not mention in his statement the question of domestic slavery in Fiji but he said—

"It has, curiously enough, been my lot this year to propose to Parliament two Colonial policies, one with regard to the Gold Coast, and the other with regard to Fiji, . . . which, if they differ in many respects, yet agree in this."

I thought he was going to have added that domestic slavery exists in both countries; but he did not—he made no reference whatever to that point, which I should have thought deserved some

reference. At page 4 in the official report, it is stated that the Natives are already in many cases the temporary slaves of English planters, and that they are habitually in the relation of domestic slaves to the Chiefs. At page 14 of the Report we are told that the "existing system" of domestic slavery—

"can only be altered very gradually, and that any abrupt general change in this direction would weaken the authority of the Chiefs, who are now, and should be for some time to come, the Rulers of their own people under the Central Government. The old system should, in short, be allowed to exist on sufferance, unacknowledged, but, except in the case of extreme exactions, not interfered with. To abolish it, would be to take away the foundation of social order."

Now, I do not wish to use strong language—I will be very careful in what I say; but it must be remembered that this is not a Protectorate, like the Gold Coast—indeed, we are told that a Protectorate is out of the question. What is proposed is cession. This is to be an integral part of the British dominions—a Crown Colony governed directly from Downing Street in the name of the Queen; and we are told, by English Government Commissioners that in this integral portion of the British dominions, slavery must be "allowed to exist on sufferance unacknowledged, not interfered with;" and that in this portion of British soil it is to continue to form the foundation of social order. I am able to remember the outcry that there was in this country when the most eloquent of the orators of the Southern Confederacy spoke of slavery as the corner stone of that Empire which they wished to found. I will add no words of mine, except that we now find the same phrase employed by the official Commissioners of the British Crown in reference to the formation of a new British Empire in the Pacific. The hon. Member for Lambeth (Mr. M'Arthur), and Sir Charles Wingfield, who were the chief advocates of annexation in 1872 and 1873, rested their case mainly upon their wish to put an end to the kidnapping of the Natives in the Pacific; now if we seriously wished it, we could stop the kidnapping by an additional expenditure upon our naval force, without the still more costly policy of annexation; but I want to know with what face, after annexation, we should be able to put

down kidnapping for the benefit of the colonies of other nations, such as those of France, when, according to our own Commissioners, slavery will be the foundation of social order in our own Colony of Fiji, and cannot be put an end to there. I remember the attacks that were made last year upon the adventurers who form the present Government of Fiji—attacks made in the supposed interest of the Natives and on a Government which it was said was “based upon the slave trade.” According to our Commissioners our Government of Fiji is to be based not upon the slave trade, but upon slavery. I am not speaking against annexation—it may be shown to me to be wise—it may be shown to be necessary. I am only trying to demonstrate that the matter is not sufficiently clear for us to allow Sir Hercules Robinson to visit the Islands with power—without further reference to us—to annex them. Either we ought to see his instructions, or else we ought to let it be understood that Parliament is to be consulted before annexation is positively resolved on. Those who without consulting Parliament would bring to pass the cession, would be incurring a tremendous responsibility. You have in Fiji 4,000 White settlers well armed, some of them holding slaves, many of them occupying large tracts of land, to which they possess no title. You must either govern through these men or against them. If you govern against them, you must keep there a great military and naval force, you must incur vast expense, and very possibly to no purpose. If you govern with them, you run the risk of still worse things, inasmuch as you may find, that you are committed to a policy which will produce the destruction of the bulk of the Native population, at the hands of a small body of slave-holding White planters, governing the Islands in the name of the British Crown.

SIR FRANCIS GOLDSMID, in seconding the Amendment of his hon. Friend, said, he would confine himself to two points. In the first place, there had been no such cession as the Resolution of the hon. Member for Lambeth asserted; so that if they adopted that Resolution they would be affirming what was distinctly contrary to the fact. The Resolution declared that

there had been a unanimous request on the part of the Chiefs, Native population, and White residents of Fiji, for annexation to this country. That the Whites desired annexation he had no doubt; but there was no semblance of a request from the Natives, except as far as the Chiefs affected to act for them. And, further, it seemed very doubtful whether the Chiefs themselves clearly understood what was conveyed by the cession of their territory. The form of an instrument could be found, but it was executed by Mr. Thurston. Well, who was Mr. Thurston? Before he was Minister he was Her Majesty's Consul, and an instrument from one who had recently ceased to be our agent and which made a cession of territory to us would not be of much more validity if tried by the law of common sense than an analogous deed would be if tried by a Court of Law. The Commissioners stated how far the Chiefs understood the cession. The Commissioners say—“We have taken the greatest pains to insure our obtaining a real record of the actual wishes of the Chiefs and people, and we consider the above-named document is as accurate a representation of that wish as can possibly be obtained.” But then the Commissioners go on to admit that the Chiefs had not sufficient intelligence really to know what was meant. The record referred to was styled “a paper showing the express wish of Cakoba and the other Chiefs as to annexation to Great Britain.” But the Commissioners, in fact, did not ascertain anything from the Chiefs, but took it all from Mr. Thurston, by whom, and not by the Chiefs, the paper was signed. The whole of this cession on the part of the Chiefs was, in truth, something that they did not understand, nor did they know the effect that the change would have upon them. As to the ordinary Natives, there was not even this miserable pretence of assent. He (Sir Francis Goldsmid) could not, therefore, as an honourable man vote for this Resolution, which asserted that there was an unanimous cession, and which assertion was made without any proof of it in the printed documents. If it was wished to do a high-handed thing, and to take a territory which was supposed to be valuable, let it be done; but, at all events, let them not add something like meanness to high-handedness, by pre-

*Sir Charles W. Dilke*

standing that that was a cession which, in fact, would be a capture by force. The hon. Member for Lambeth had pointed out the advantages of these Islands as a coaling station and as cotton growing territory. That might make it more desirable for England to possess it; but it did not add any strength to those preferences which the hon. Member thought fit to dignify by the name of cession. In the second place, he (Sir Francis Goldsmid) would ask whether the hon. Member was not struck by the incongruity between what was now proposed to be done and what was taken for granted in the Gold Coast debate. It was then admitted that slavery could not be allowed to exist in any part of the British Dominions; and this was given as a reason for not annexing the territory on the Gold Coast, and for being satisfied with establishing a Protectorate. Now, a Protectorate had also been proposed for Fiji; but Lord Kimberley in a Despatch pointed out in the strongest terms, that a Protectorate would not do here, and that, by setting one up, we should make ourselves responsible for the acts of the Native Government without having the right to control them. The same objections were made in the debate on the Gold Coast, but were overruled, because it was said that we had in that case entered into engagements from which we could not retreat. In the present case, however, where we had at present entered into no entangling engagements, the House was asked now to enter into them; and when once that had been done, the Government could not afterwards retreat. Why should we do here what we were unwilling to do there? The only reason seemed to be that the advantages of slavery were heightened and diversified in the present case by the charms of cannibalism. The course proposed was not only unwise, but almost grotesque, and he should, therefore, second, with the utmost confidence, the Amendment of the hon. Member for Chelsea.

#### Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "this House considers that, having regard to the existence in the case of Fiji of difficulties caused by the necessity of 'subjugating and removing' 20,000 ferocious mountaineers, and by the fact that domestic slavery is pronounced by Commodore Goodenough and Consul Layard, in their official Report, to be 'the foundation of

social order' in Fiji, it is necessary that great caution should be used in approaching the subject of annexation,"—(Sir Charles W. Dilke,)—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. GLADSTONE: I was in hopes that we should have heard at the stage of the discussion which we have now reached the opinions and views of Her Majesty's Government. It is my own conviction that it would have been well if the Government had at an earlier period themselves brought this subject before the House. It was due to the Government, and due to the House, that they should do so if they contemplate during the Recess any step of a nature which may commit this country with regard to its future policy. But that is a question for the Government, and not for me to judge of. All that I have to say is that I have no desire to take the responsibility out of their hands. I have every desire that they should have a clear stage open to them, without any pre-judgment of questions upon which they ought to be better informed than we can be. I shall hold them entirely and absolutely responsible for the steps they may take in regard to this very important question. I will not attempt to forecast this policy of the Government, an explanation of which in this House has not been conceded to us; but I will state very briefly the position in which I stand with regard to the Motion now before us, for which the Government are not responsible, and with which we are obliged to deal. The hon. Member for Lambeth (Mr. M'Arthur) requires me to concur with him in stating—

"That this House is gratified to learn that Her Majesty's Government have yielded to the unanimous request of the Chiefs, Native population, and White residents of Fiji, for annexation to this country, so far as to direct Sir Hercules Robinson to proceed to those Islands."

The limitation, so far as the Islands are concerned, may be a very important one; but, on the other hand, it may be no limitation at all. Sir Hercules Robinson may go with instructions to say—"You must make the best of it. Get rid of as many difficulties as you can. But the extension of the British Empire, so limited as it is in territory and population, and with the enormous surplus

power of governing it which we feel ourselves to possess—the extension of that Empire is of such vital importance that you must not miss an opportunity of making some addition to the scanty share of the surface of the earth that we possess.” That may possibly be the substance of the instructions given to Sir Hercules Robinson. But I treat this as a Motion in favour of annexation, committing this House to annexation, and committing it, not at the request of the Government, and without any concurrence on their part, but by a voluntary and gratuitous act of our own, by our rushing in to assume a responsibility which they have not sought to impose upon us. I object altogether to such a mode of proceeding on the part of my hon. Friend as a private Member. The Government have an entire right to make known their counsels to us, if they please, and either to make us parties to them, or to give us an opportunity of rejecting them; but I altogether object to a person like my hon. Friend, who is a private Member, relentlessly determining that we shall become sharers in the responsibility of the Government—nay, more, that we should direct them in their course, even without their own request. My hon. Friend the Member for Lambeth talks of the “unanimous request” of the inhabitants of Fiji for annexation. No such “unanimous request” exists. From the speech of my hon. Friend who has just spoken it appears to me a mockery to speak of unanimity among the inhabitants of Fiji on this subject. There is a power of gilding facts, and especially facts at a distance, and of transmuting them by the magic art of eloquence, which my hon. Friend the Member for Lambeth evidently possesses in a remarkable degree; but to a plain, prosaic understanding I find nothing in these Papers which partakes at all of the nature of an “unanimous request.” Then my hon. Friend administers to me this most severe demand—that I am to declare that I am gratified with this “unanimous request,” which does not exist. But I have a great difficulty in doing so. I am not “gratified to learn.” I am vexed “to learn.” This step appears to me a most unwise proceeding, and if it is an unwise proceeding, I cannot profess to feel any gratification at all. I have looked at this Report and I wish I could com-

mend it. It is sufficiently long, is rather meagre, and I must say it is one of the most chaotic public documents I ever read in my life. Even this Report, if I read it aright, does not contain the terms on which annexation of these Islands should be made. It is said that if we do not annex them there will be very awkward consequences to the people on the spot, ruin to the English planters, and confusion to the Native Government. These are rather serious facts; but, assuming that the facts are as thus stated, there are no reasons at all why we should annex, unless the Commissioners had shown us a state of facts in which we can proceed safely and wisely, and charge the British people with the great responsibility which it is proposed to lay upon them. There is not a single point in the Report of these Commissioners on which they have made a satisfactory answer. And for the truth of this I may refer to the speeches of the Mover and Secunder of the Motion, but much more naturally to the speeches of my hon. Friends the Mover and Secunder of the Amendment. We are encountered at the threshold with a controversy with the United States. We are to annex these Islands, and to take upon ourselves the conduct of that controversy in respect of a very large sum. That sum must be dealt with on the principles of international right, and I myself have had some experience in discussing such a question with the United States. I own I am not very greatly attracted by this first vision which meets me on the very threshold of the subject. With regard to the debt, the Commissioners were instructed to obtain for us most satisfactory information, and the reply is that the White residents have declared, more or less formally at different places, their willingness to acknowledge their responsibility for it, as well as for the expenses of the future Government. “More or less formally declared!” I think when dominion has been assumed, and when these acknowledgments come to be examined and tested as to their value, we shall then find that they have less formally, and not more formally, admitted that they have recognized this responsibility. It is quite plain that if anything is to be done in regard to this debt, if we are to make them really responsible, the acknowledgment ought to be more formal

; less formal. And then there is difficulty of getting a recognition of Chiefs, because they cannot and what they have to recognize. I must say, is an extraordinary thing. There is a country in which the Commissioners announce, as my hon. the Member for Chelsea correctly says, that there is a distinction between serfdom and slavery, and that is a distinction which is unknown to the Constitution. The distinction between slavery and serfdom is sometimes an important distinction indeed. It is an important practical distinction in the case of the serfdom which prevailed in Russia until, to his everlasting honour, the present Emperor of Russia abolished it by one of the noblest legislations in the world. But the Commissioners, if I recollect right, say that undefined serfdom which exists

I think that undefined serfdom is another name for slavery. Well, to annex Fiji and become Sovereign of those 72 Islands with this undefined serfdom, which I contend to be the same as the philanthropists of the day are to hug themselves with the idea that that is the most delightful thing in the world, because all we have to do is to put down slavery in that country. But we are to go in upon the recommendations of the Commissioners, instead of saying that slavery is to be abolished, tell us distinctly that it is to be maintained and allowed, and left to its own course. We are to wink at it, we are to know and allow it to exist, and allow those interested in it every means in their power to maintain it, and allow it to exist upon its own merits—that this slavery which we go in and recognize is in these Islands the foundation of social order. I accept the Motion of my hon. the Member for Lambeth, it will place the Crown of England upon a foundation of sovereignty over a savage people among whom slavery exists, and I expect to whom our own Commissioners inform us that that slavery is the basis of social order. Then we are to leave them over. Their Chiefs—there is a large number of them—are to be salaried officers of the British Government; and we are to enter, after all our warnings we have had in New Zealand, upon the same complicated system of land tenure in Fiji, which

in New Zealand cost us many wars and many millions of money, and which made us responsible for much that has occurred in that Colony which we have great cause to regret. We are to have reproduced in Fiji, first of all, the questions we had to deal with in New Zealand—namely, those between White purchasers and Native vendors. But if I understand this rather obscure Report, we are to have in Fiji what was not in New Zealand—that is different sets of Native rights to the same soil—rights of families who are the proprietors, together with certain rights of the Chiefs, but there is no single proprietorship. It is quite clear that there is a division of rights to the soil between the Chiefs and the people, so that we have complications of the most formidable kind to contend with, and what assistance does the Report give us? Then comes the case of the mountaineers, whose case is, I think, sufficiently set forth by my hon. Friend. I own I am astonished at the demand made by my hon. Friend the Member for Lambeth. My hon. Friend is a courageous man. When he last proposed the annexation of Fiji, he was so pleased with his speech, and with the impression it made, that he published a corrected report of it, and in that corrected report last year, or last year but one—I am not sure which—he made a triumphant reference to the case of the Gold Coast. He said—"Look at it! What can be more satisfactory?" He boasted of the firm, solid foundation of the peaceful relations and the freedom from entangling engagements on the Gold Coast; but before the ink was dry came the war upon the Gold Coast, from which we have happily—at any rate for a time—escaped. Well, are we really now to be driven on by such a passion of eagerness for augmented responsibility under the guidance of my hon. Friend, whom we cannot call to account for any defect? If the Government does it, we can call them to account; but my hon. Friend's proposal is one which may lead us into dangers which we can never settle effectually upon him, if under his unfortunate counsels we go wrong. We cannot move to expel him from the House merely because he leads us into all manner of international difficulties. He is not responsible, and I object to marching under the leadership of irresponsible persons. My hon. Friend

points out to me a noose, and he says—“Will you be kind enough to put your head into that noose?” I object. By degrees, I believe, that noose will be tightened round the necks of those who have deliberately committed the acts of folly, to which my hon. Friend invites us. There ought to be most careful and deliberate examination of this subject by the responsible Government of the country on their responsibility. The embarrassments of British planters, and even the confusion of the Native Government, are not reasons why we should commit the British nation to engagements which are not well-defined, and with respect to which we do not see the way of working them out effectually. I see disagreeable and distorted phantoms stalking across the stage of this House before my eyes. I see new Votes in the Estimates—new Votes for future wars in Fiji—new Votes for future engagements—a reproduction in aggravated forms of all we have had to lament in New Zealand. And, Sir, believing that we are an Assembly of sane Gentlemen, against not one of whom a writ *de lunatico inquirendo* can justly or ought reasonably to be taken out, I say upon that basis that I will urge the claims of prudence against the real, but at the same time, I think, sadly deluded, philanthropy of my hon. Friend, and I distinctly decline to utter the gross untruth of which I should be guilty if I were to say that I would be gratified with steps virtually amounting to the premature annexation of Fiji.

MR. J. LOWTHER said, there was one portion of the speech of the right hon. Gentleman in which he cordially agreed, and it was that in which he recommended the hon. Member for Lambeth not to persevere with his Motion. He quite agreed with the right hon. Gentleman that the responsibility for the annexation of the Fiji Islands or otherwise should properly attach to Her Majesty's Government, and he certainly did not seek to throw any portion of that responsibility from the shoulders of Her Majesty's Government to those of the House of Commons. He could not so heartily endorse some other portions of the right hon. Gentleman's speech. The right hon. Gentleman, following up what had fallen from the hon. Member for Chelsea, proceeded to argue that the institutions of Fiji were founded upon a

system of domestic slavery. That was an expression we had heard before during the present Session. It was a red herring which had been previously drawn across the floor of the House of Commons. When he first saw the expression in the Amendment of the hon. Baronet, he anxiously re-read the Report of the Commissioners to see what he had on an attentive perusal failed to detect. He was bound to confess that he still failed to detect these words. It was quite true the Commissioners said—

“The old position of the great body of natives towards their Chiefs is one of undefined serfdom, moderated by certain customs. A Chief has food brought to him and to his followers, and has always been accustomed to exact contributions of mats, oil, &c., from those who look to him as their head.”

He failed to see in these words “undefined serfdom,” for they distinctly stated in what the serfdom consisted. There was no reference made to personal servitude. The right hon. Gentleman would see that it bore a close resemblance to local taxation paid in kind. The next sentence confirmed that view of the case, for the Report went on to say—

“These contributions, which are necessarily vexatious because uncertain and arbitrary, have been and are still made at the present time, and are greatly valued by the Chiefs as, perhaps, the greatest proof of superiority they can show.”

Now, if the greatest proof of superiority was that certain payments in kind were made to the Chiefs by those who looked up to them, that answered the objection of the right hon. Gentleman. No doubt, the Commissioners said that they found the Chiefs on this subject by no means open to argument in the direction they contemplated, and that some time might be required before the Chiefs could view matters in a practical light; and he admitted he was far from seeing a termination to the system which had been sketched by the right hon. Gentleman and others. He objected to personal service in any shape or form, though if there was any form of servitude less open to objection it was in the shape of payments. But the matter might be cut short by saying that, under no circumstances, would Her Majesty's Government consent to administer the affairs of any territory in which domestic slavery in any shape or form was recognized by the law. A great deal had been said with regard to

*Mr. Gladstone*

the financial position of Fiji. It was perfectly true that the financial arrangements of the present Ministry of Fiji had not been particularly satisfactory, and that the debt was now estimated at £87,000. He was not concerned, at present, to defend either the action or the individual character or capacity of the members of the Fiji Ministry. He was afraid those gentlemen could not, perhaps, lay claim to any very great moderation, and he could not say that their past history was any guarantee of their capacity for the administration of the Government. But with regard to the question of the acceptance by Her Majesty's Government of the cession of the Fiji Islands upon the terms suggested by Commodore Goodenough and Mr. Layard, he would say at once that it was out of the question. The Commissioners, in the first place, sought to commit us, without further inquiry or investigation, to the acceptance of the debt, which was estimated at £87,000, but we had no guarantee that it might not exceed that amount. The Government would never think of entering blindfold into an arrangement of that kind, which would commit them to an unknown liability. But there were still more formidable objections in another portion of the Report. If the House would turn to page 20 they would see some conditions attached to the cession of a nature far more serious than any financial considerations. In Article 9 this extraordinary paragraph occurred—

"Every native executive officer to draw the aforesaid allowances contingent upon the actual performance, in respect to Fijians, of the duties confided to him. Should any high native officer be removed from his post, his place to be filled by the next man of his family entitled to succeed him by Fijian law or customs."

Such a condition would be scouted as impossible. The next Article said—

"The Government of Her Britannic Majesty to concede and preserve to the Chiefs and people of Fiji, under any form of British Government, an equitable share in the Councils of State, and, in the event of Fiji becoming a Crown Colony, to appoint not less than four Fijian Chiefs to seats in the Executive Council."

The only possible form of government for Fiji, if annexed, would be that of a Crown Colony. It had been already mentioned that Sir Hercules Robinson had been despatched by Her Majesty's Government personally to conduct an investigation into the proposal of the

Fiji Government. Sir Hercules Robinson, as the House was well aware, was a gentleman eminently qualified to conduct an inquiry of that description. It was felt by the Government that some officer of higher rank and consequently greater authority than the Commissioners would be in a position which would enable him to approach this question with a greater chance of arriving at a satisfactory settlement. Sir Hercules Robinson, though acting under instructions from the Secretary of State, would be required to exercise his own discretion with regard to a great number of details. Without waiting for his Report, the Government had determined that in the event of all the difficulties in the way being overcome, the cession must be a purely, or at any rate, a virtually unconditional one. Notwithstanding the fact that a so-called responsible Government had been for some time in existence in Fiji, he could not hesitate in recommending the House of Commons to approve the policy of the Government if it should be found necessary to adopt the more original system of a Crown Colony. An idea had prevailed with some that an exact pattern of the British Constitution would be suitable to every description of population. That idea had been taken up by these persons without waiting to inquire whether the *nucleus* existed round which the forms of Constitutional Government might grow. But the House would agree with him that if a cession should be finally decided on the only form in which the Government of Fiji could be carried on was that of a Crown Colony. A good deal had been said about the difficulties attending the ownership and occupation of land, and this was among the first subjects that would require the anxious attention of the Government. It must receive prompt attention, and no claims would be recognized without the fullest inquiry. There was one circumstance which would call forth the hearty approbation of Members on both sides of the House, and that was the proffered co-operation of New Zealand and New South Wales in any arrangement which the Government might see their way to adopt. He did not wish to be thought to attach undue importance to the acquisition of these Islands, nor to the sovereignty of Her Majesty in those seas. He did not advocate a policy

of annexation, and by annexation he meant the acquisition of territory contrary to the wishes of its inhabitants, and without due regard to the circumstances of the communities and the desirability of the acquisition in itself. He quite agreed with the right hon. Member for Greenwich in deprecating the idea that because a country was badly governed and might appear to be ungovernable, or because certain practices might prevail there which we might disapprove, we were therefore to rush in and take possession of it. But he must enter a protest against a doctrine which found favour in certain quarters, according to which all annexations or additions to British dominions would be sternly discouraged. He did not admit that the colonizing mission of Great Britain had come to a close. He ventured to hope not only that we should not abandon our Colonies, but that we should not abandon colonization, for such abandonment had usually been, if he read history aright, the precursor of a period of national decay. He did not for one moment admit that our Colonies were to be regarded merely as a source of weakness and a danger in time of war, or that they involved us in serious responsibility without adequate return to the Home Government. He did not deny the very serious and grave responsibility which attached to the possession of colonial Empire; the Government were fully alive to the responsibility which its retention involved, and they were by no means disposed lightly to regard the addition it made to their labours. He must demur to the idea, which found favour in many high quarters, that our Colonies entailed upon us all these responsibilities without giving to us any sufficient return. Although the retention of our Colonies, if we were unhappily engaged in war, might throw certain burdens on our resources, we must place as against them the fact that any Power which thought fit to engage in a life and death struggle with us, which he hoped might never be the case, would not have to reckon merely with the 30 odd millions of the British Isles, but with many other millions of the Anglo-Saxon race, who looked on the mother country with feelings of veneration and regard, and were by no means indisposed to accept the duties and obligations which attached to them as members of a

great Colonial Empire. It had been asserted that there was a desire on the part of this country to be rid of the responsibilities of her Colonies; and therefore he should not be doing his duty if he did not avail himself of this, and, indeed, of every occasion, to repudiate on behalf of the Government any sympathy with what was called "the abandonment policy." The Government viewed the retention of our Colonial Empire as a subject of the greatest importance. He was happy to say it was no longer a question of retaining the allegiance of unwilling populations; he would say, without fear of contradiction, and without in any way underrating the loyalty of the British Islands themselves. Her Majesty had no more loyal subjects in any of her dominions than she had in the British Colonies. These Colonies were fully prepared to discharge their duty whatever it might be, and to reciprocate the feelings of confidence with which they were regarded by the Home Government. He had no fault whatever to find with the suggestions of the hon. Baronet opposite (Sir Charles Dilke), who, no more than the right hon. Member for Greenwich, wished to interfere with the policy of the Government, and only wished to impress upon them the necessity of caution and care. In reference to the question whether annexation would be completed without further reference to Parliament—[Sir CHARLES DILKE: Previous to the actual session]—he had already said a decision had been arrived at; indeed, the elements for forming a decision were still wanting; but if, in the opinion of the Government, annexation should be desirable, that annexation would be determined upon, on the responsibility of the Government, without seeking to throw on the shoulders of Parliament any portion of that responsibility. He hoped, under these circumstances, the hon. Member for Lambeth would be satisfied with the discussion which had arisen, and would not press his Motion to a division, and that the hon. Baronet the Member for Chelsea would be satisfied with the assurance that the utmost caution and care would be observed by the Government, and would consent to withdraw his Amendment.

Mr. KNATCHBULL - HUGESSEN thought that in the Motion and Amendment before the House, and in the speeches delivered in support of each.



the House would be able to perceive a fair representation of the two schools of thought which existed upon the general question of the annexation, or acquisition by England of new territory. The one school—represented by the hon. Member for Lambeth (Mr. M'Arthur)—looked mainly to the advantages to be derived from such acquisition in the way of increased trade, extended commerce, the development of the resources of the annexed country, and the consolidation of our Colonial Empire. The other school—represented by the hon. Baronet (Sir Charles Dilke) and the right hon. Gentleman the Member for Greenwich—looked rather to the disadvantages, and were disposed to magnify the difficulties which stood in the way of annexation. They brought into view the probable expense to the British taxpayer, the possible complications with Native tribes, and the undesirability of increasing our responsibilities and creating materials for possible trouble hereafter. It was impossible, however, to lay down any general rule by which the British Government should be inflexibly bound; and in the present instance, considering the position which he (Mr. Knatchbull - Hugossen) had occupied under the late Government, he felt bound to express his satisfaction with what had fallen from the last speaker, and his opinion that, so far as he was able to judge, the Government had exercised a wise discretion, and might be trusted to proceed with the caution which was necessary. It must not be forgotten by hon. Gentlemen on his (Mr. Knatchbull-Hugossen's) side of the House that the late Government sent out the Commissioners whose Report had been scrutinized, and that Lord Kimberley, in his letter of instructions to them, dated August 15th, 1873, pointed out only four possible modes of action for the British Government, three of which were repudiated by this Report—namely, the investing the British Consul with magisterial powers, recognizing the Government of Cakobau, which had confessedly failed, and the establishment of a Protectorate. There remained, then, only annexation, unless we were prepared to abandon altogether any interference with the affairs of Fiji. In considering this question, it must be remembered that the sending of Messrs. Goodenough and Layard to Fiji to make inquiries

naturally raised expectations and hopes on the part of the people which it would not be fair and honourable to disappoint. Moreover, he felt bound to say that there had been a disposition to magnify the difficulties of acquisition. As to the statement that there had been no offer of a cession, he would call attention to a passage in the Report, on page 6, which stated that the Commissioners enclosed a Paper expressing the distinct wish of the Chiefs for annexation, and stating—

"They have full power and authority to make the cession: and, were we to add anything to this, we should say the lesser Chiefs and people are more anxious for annexation than the high Chiefs."

The Report also stated that the Commissioners—

"had taken the greatest pains to insure obtaining a real record of the actual wishes of the Chiefs and people, and we consider the above-named document is as accurate a representation of that wish as can possibly be obtained."

This was also "the unanimous wish of the White settlers." The dangerous mountain tribes called the Kai Colos were confined to the mountains of Viti Levu only. In another part of the Report it was stated that these mountaineers only numbered about 7,000, that they were—

"scattered, had continual quarrels among themselves, and were not in the least degree dangerous, though their depredations might be annoying."

This, therefore, was a very different state of things from that which we had to encounter in New Zealand. He was glad that his hon. Friend had made so explicit and satisfactory a declaration on the subject of slavery. The Government must know that no slavery in any shape was legal in British territory, nor would the House or the country permit such a state of things for one moment. If he had risen before his hon. Friend's speech, he should have expressed his confidence that the noble Lord at present at the head of the Colonial Department and the present Government would never have sanctioned the negotiation for any territory in which the continuance of domestic slavery was to form a part of the bargain. His hon. Friend had failed, though from mere omission probably, to notice the statement of the hon. Baronet the Member for Chelsea that one of the great slave markets was our Colony of Queensland. That statu-

ever. It was a case in which Parliament must of necessity repose confidence in the Executive Government, and must not take the responsibility off their shoulders. Of course, however, he and other hon. Members who took this view held themselves perfectly free and open to criticize the action of the Government hereafter if they should see reason to disapprove it. The doctrine, too, of maintaining our colonial possessions intact was one upon which he had, during the three years he was at the Colonial Office, insisted, he feared, *usque ad nauseam*, having always loudly protested against those who appeared to undervalue our Colonial Empire. As to increasing that Empire, he would only say that a country in the position of Great Britain could not avoid the responsibilities of that position, nor refuse addition to her territory from merely selfish considerations. Questions of this kind, however, must be dealt with according to their particular merits, and he believed that the present Government—or, indeed, any Government of British gentlemen—might be trusted to deal wisely, justly, and cautiously in these matters.

SIR WILFRID LAWSON observed that the right hon. Gentleman who had just sat down apparently possessed more faith in any Cabinet composed of English gentlemen than he did in his own Leader, who sat beside him; and his speech afforded only another proof that it was absolutely impossible for any two

the beginning on the religious-houses, and at the end of public worship. The matter was too important over without some consideration. The Islands proposed to be admirable as far as nature went. Man only was vile; it appeared to him that it was very vile indeed. The inhabitants numbered about 100,000 until lately, they were the cannibals that existed on the whole earth. Since this first came before them, he had a book upon Fiji written by a missionary. The writer of the inhabitants who were of adding a stone for every to a certain line of stone marked the number of men. There were 172 stones in doubt, a great number had been removed, this man had killed and eaten about 100. Another, again, had a wife which reached the number which he became a Christian. However, now changed, 150,000, no less than 100,000 attended a place of worship, gratifying to find that he yielded to the vices of civilization, he could prevent it, he best to prevent their being civilized. But in addition to the people who attended church

moned to give in their allegiance, and that "teachers" should be sent among them. So that we were first to kill them and burn their villages, and then to send them teachers, in conformity, probably, with the old notion that the British Army should be regarded as one of the branches of the Society for the Propagation of Christian Knowledge. In addition to the Natives, there were about 2,000 Europeans in the Islands, nearly all of whom were escaped convicts, and these were the pious founders of the new Crown Colony. These convicts had set up a Government which had been described by the Junior Lord of the Admiralty (Sir James Elphinstone) as "a set of the most unmitigated ruffians in the world." The Appendix to the Report, at page 59, told them—

"Worthless adventurers driven from other countries by their evil habits and other faults, have sought a refuge among these islands in numbers out of all proportion to the rest of the settlers, and by their example and influence too often lead their weaker minded neighbours in their footsteps."

They drink *kava*, which—

"Producing a partial paralysis of the muscular system, together with a lethargic state of the sensibility, without the excitement, coma, and following discomfort of drunkenness, has recommended it to many when alcohol cannot be got."

He begged to recommend this to the Home Secretary when he next meddled with Intoxicating Liquors Bills—

"Its taste has been compared to that of Gregory's Mixture combined with soapsuds, and its appearance to that of dirty dish water, &c. Of the presence of *delirium tremens* there is no lack of evidence."

But in addition to all that, Fiji had incurred a debt of £80,000 within two years. There must surely be some great and good object to be gained by taking these people over. They were told the proper thing was a Crown Colony—a despotism tempered by the advice of the House of Commons. But what did they know about these people? They were in almost total ignorance respecting them. He had ascertained that the name of these Islands was pronounced in 15 different ways, and whereas the Prime Minister called them the Fi-ji Islands, he (Sir Wilfrid Lawson) pronounced it Fee-gee. The hon. Member for Lambeth said this subject had been much discussed both in the House and in the Press; but his hon. Friend was wrong on that point. The

question had been discussed only twice, and really the Press could not know much about it, whatever the papers might say. In fact, nobody knew anything about it but the hon. Member for Lambeth. His hon. Friend had talked about an unanimous request for annexation; but he thought that had been exploded. If it was really desirable to adopt this policy, was it not curious that the great boon of annexation should have been reserved for this country? Both Germany and the United States had had these Islands offered to them, and those nations were sharp enough to know what was a good bargain. They had refused, however, to accept them, and had left us to make the bad bargain. We made a bad bargain with reference to the Gold Coast. It had already cost us £1,000,000, and it would shortly cost us another if we did not speedily get rid of it. The Gold Coast should be a warning to us. There was an indescribable simplicity in the people of this country in mixing themselves up with such transactions. For himself, he actually shuddered when he heard of an adventurer or a geographer going hunting about the world and discovering a fresh island in some barbarous sea. That meant sooner or later the establishment of a Crown Colony, and the imposition of fresh taxes upon the people of England. Philanthropy had unfortunately been mixed up with this question. Now, he was of the same opinion as Mr. Albert Grant, who had lately left that House, very much to the regret of himself. He objected to unite business and philanthropy. He should like, therefore, to know whether the taking over of these Islands meant business or philanthropy? It was said annexation was necessary to put down the slave trade; but, in his opinion, they might put a stop to the slave trade without annexing the Islands. The case of New Zealand should be a warning to us. What occurred there? Simply because we did not clearly understand the titles to land in that country, we had been involved in a war which cost us £11,000,000. It would be cheaper to send ships to bring over or take elsewhere the 2,000 sufferers from *delirium tremens* and leave the Methodists and the cannibals to settle matters between themselves. But the Colonial Minister let the whole truth out when he said the moment English

sovereignty was acknowledged, the value of land in the Islands would be—not doubled, but quadrupled for those in behalf of whom we were about to pledge our credit, and possibly our blood and treasure. Something had been said of the blessing of our rule and civilization to the Natives of Fiji. The blessing we conferred on Native tribes of any country we colonized was their extermination. If always ended so, except in the case of India. He had heard lately of a tribe of North American Indians. It was once a noble tribe, but was now almost extinct, for nothing remained but one old chief, two worn-out horses, and three gallons of whisky, and as when last seen the Chief was engaged in drinking the whisky it was believed that shortly nothing would be left. Did the hon. Member think that we were such excellent governors that our rule abroad must be perfect? Was the state of this country an absolute Paradise? He could not think so when we had a standing army of 1,000,000 paupers, and while our gaols were filled in the midst of our civilization. We talked of spreading our national religion abroad, but he would tell the House what our practice was. We raised about £30,000,000 a-year by encouraging people to drink, and we spent nearly that £30,000,000 in weapons, men, and war. Our gods might thus be said to be Bacchus and Mars—the God of Battles and the God of Bottles. But he would put the case on rather lower, although, perhaps, stronger grounds. Had not this Parliament enough to do? What a Session they had had of it? How many harassed and worried classes, and individuals, and trades had they put right during the Session? During the last five months they had been engaged in legislating for enthusiastic Ritualists, plundering publicans, indiscreet Bishops, aggrieved Commissioners, and *bona fide* drunkards. Parliament had been overburdened with work, and he entreated it not to add to its anxiety by annexing the “King of the Cannibal Islands,” and those interesting savages who had wound themselves round the heart and affections of his hon. Friend the Member for Lambeth.

Mr. MUNDELLA said, that as no independent Member had supported the Motion of the hon. Member for Lambeth, he wished to say a few words on the

*Sir Wilfrid Lawson*

subject before the House. His hon. Friend (Sir Wilfrid Lawson) had reminded the House that we had a standing army of 1,000,000 paupers; but how many would there be at the moment but for our Colonies, and the emigration which they had enabled us to carry out. We had the grandest Colonies in the world. He, for one, deprecated the tone in which our Colonies were sometimes spoken of by some of his hon. Friends on that side of the House; and he rejoiced that the hon. Gentleman the Under Secretary for the Colonies had spoken in such a manly tone as to the colonial policy of the Government. So far from feeling the distrust in the Colonial Office which had been expressed that night, he would say without making any invidious comparison that he felt the fullest and most implicit confidence in the wisdom, humanity, and patriotism of the noble Lord who presided over the Colonial Office. There never was a more general wish in a Colony than there was in Fiji that the British Government should take over the Colony. The Commissioners stated that the lesser Chiefs were even more anxious for annexation than the great Chiefs. With regard to the debt, our Australian Colonies had expressed their willingness to take any reasonable share of it that might be allotted to them. The question was, whether these Islands were to have British rule and justice, or British lawlessness and civil war. The Islands were in a state of anarchy, and in the interests of civilization and humanity it was our duty to accept the cession. There was nothing like the “lust of territory” which had been spoken of. The people had invited us to rule over them, and if we failed to do so, some other Government would probably step in. The French had taken possession of New Caledonia as a penal settlement, and it was a disgrace to us that we had allowed them to do so. The Secretary of State had refused to accept the cession unless it was made unconditionally, and Lord Carnarvon and the Government had done the only wise thing that could be done by sending Sir Hercules Robinson to inquire into the circumstances. We might get rid of all our difficulties by shirking our obvious duties; but it would be a case of absolute cowardice if the Government were to shirk herein the duty that was plainly and obviously before

them. If the Government were to allow the United States to obtain these Islands, because Great Britain refused to take them, they would be regarded with scorn and contempt by our Australian Colonies.

MR. WILLIAM M'ARTHUR said, he was satisfied with the debate, and, as he had full confidence in the Government, he was willing to withdraw his Motion.

SIR CHARLES W. DILKE was unwilling to withdraw his Amendment until a division had been taken.

Question put.

The House divided:—Ayes 81; Noes 28: Majority 53.

Main Question put, and *negatived*.

#### POST OFFICE—WEST INDIA MAIL CONTRACT.—RESOLUTION.

MR. W. H. SMITH, in rising to move that the Contract entered into with the Royal Mail Steam Packet Company for the conveyance of Mails to and from the West Indies be approved, said, this contract had been entered into to effect a service very nearly the same as that which was now conducted for a much larger sum of money. The only omission from this contract was that of the service to Mexico. The subsidy to be paid under this contract was £84,750, as against a payment at present of £172,914, and the contract was to continue for five years. Her Majesty's Government had advertised for tenders, and besides that received from the Royal Mail Steam Packet Company, a second had been received from Messrs. Alfred Holt and Company for £129,000, and a third from another West India Steam Company for £120,000. It would be satisfactory to the House to know that the very serious loss sustained by the public as between the postage realized by the Post Office and the amount paid to the Company was now reduced almost to nothing—at least, it would not amount to more than £12,000 or £14,000 a-year, instead of £80,000 or £90,000. He was perfectly ready to answer all questions, and would now simply move that the contract be approved.

Motion made, and Question proposed,

"That the Contract entered into with the Royal Mail Steam Packet Company for the

conveyance of Mails to and from the West Indies be approved."—(Mr. William Henry Smith.)

MR. D. JENKINS said, he would not oppose the Motion, but he must object to contracts entered into for so long a period. He could understand that the Company would say that new ships would have to be built for the new contract. That argument might have done well 20 years ago, but would not apply to the present day, as these ships were now built for carrying cargo, and not for mails.

Motion agreed to.

MR. W. H. SMITH moved—

"That the further Contract between the Postmaster General and the Royal Mail Steam Packet Company, under which it is provided that the Vessels of the Royal Mail Steam Packet Company shall call at Plymouth on their homeward voyage to land the Mails, be approved."

The hon. Member said, he had received memorials from various influential commercial bodies representing that there was an important omission in the contract with the Company, which had been formally settled by the late Government, in not requiring the vessels to call at Plymouth. To Manchester, Liverpool, and other northern towns which had a large correspondence with the West Indies it made a difference in some cases of 24 hours, and in all of 12 hours, whether the steamers called at a western port before reaching Southampton, and therefore to secure the earlier delivery of letters in the provinces, the Government felt it necessary to call upon the Royal Mail Steam Packet Company to continue to call at Plymouth. They were asked to do so without further charge; but they represented that the reduction they had made was so large that they could not incur the additional cost of calling at Plymouth without an addition to their subsidy. Therefore, the Government thought it right to sanction an additional contract for the payment of £2,000 for calling with the homeward mails at Plymouth for the five years the original contract had to run.

Motion made, and Question proposed,

"That the further Contract between the Postmaster General and the Royal Mail Steam Packet Company, under which it is provided

that the Vessels of the Royal Mail Steam Packet Company shall call at Plymouth on their homeward voyage to land the Mails, be approved."—*(Mr. William Henry Smith.)*

MR. D. JENKINS contended that the delivery of the mails would be accelerated by the substitution of the more westerly port of Falmouth for that of Plymouth. It was said that there was but a single line of railway between Falmouth and Plymouth; but a portion of the line between Exeter and Plymouth was also a single line. If advantage was gained by landing at a western port it must be increased by calling at the most westerly port, and, in the merchant service, for one vessel that called at Plymouth for orders, or to land despatches, 50 called at Falmouth. That would not be the case if it were not the better port so far as the saving of time was concerned. The matter had been under discussion 30 or 40 years, and the evidence given before a Committee of this House in 1840 by Captain Evans and Captain Plumley, of the Royal Navy, was conclusive in favour of Falmouth as against Plymouth. Falmouth was between 40 and 50 miles west of Plymouth, and steamships made for the Lizard Point, in passing which they were within three or four miles of the entrance to Falmouth harbour. There was a railway parallel with the sea-coast, and it was absurd to assume that a steamship could traverse the distance in the same time as a railway train. Large sums of money had been expended at Falmouth in constructing docks, in deepening the harbour, and in connecting the railway with the landing stage, in the reasonable hope that the Government would, in the public interests, select Falmouth as the port of call, seeing that it was connected by railway with all parts of the Kingdom. In conclusion, he moved, as an Amendment, that so much of the West India Mail Contract as authorized the sum of £2,000 per annum for calling at Plymouth with the homeward Mails be not sanctioned.

MR. YOUNG, in seconding the Amendment, said that, unlike the Mover, he had no connection with Falmouth, but thought, if there were to be a port of call it had better be the most westerly port, and he was, therefore, for going to Falmouth at once.

#### Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "so much of the West India Mail Contract as authorises the sum of £2,000 per annum for calling at Plymouth with the homeward Mails be not sanctioned,"—*(Mr. David Jenkins.)*  
—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. BATES said, the hon. Member was mistaken in supposing that this question was discussed before; it was merely with reference to the respective merits of Southampton and Plymouth, the point discussed being whether Southampton, Plymouth, or Falmouth should be selected. The Committee which sat to consider the question unanimously came to the conclusion that Plymouth was the best port at which the mails could be landed, consequently the mails had been sent at that port since 1869. The Government in drawing up the new contract had accidentally substituted Southampton for Plymouth as the port for landing the mails, and he having pointed out the mistake and numerous letters from Liverpool and other commercial centres in favour of Plymouth, the Government had received the mistake was rectified. He did not think that for the sake of effecting a saving of £2,000 per annum commercial men would consent to receive their letters by these means several hours later than they did at Plymouth, which would be the result of calling at Falmouth instead of Plymouth. Falmouth was a very good and a very nice port; but it could not compare for convenience with Plymouth, in which vessels could enter at all times of the tide and in any state of the weather. Under these circumstances he did not think the hon. Member should seriously press his Motion.

MR. T. E. SMITH said, he did not agree with the opinions that had been expressed; they were somewhat affected by geographical influences. As an unbiassed Member he appeared to him strange that the Majesty's Government should be asked to pay £2,000 per annum additional for having the mails landed at a port of less convenience of which merchants did not recognize. He trusted the hon. Member for Penryn and Falmouth would go to a division on the subject.

**THE CHANCELLOR OF THE EXCHEQUER** expressed his regret that the Postmaster General, being confined to his house by rather severe indisposition, was unable to be present on that occasion, seeing that no one was able to enter so fully into the subject as he could do. As far as the Treasury had received information on the matter, it appeared that the contract having been originally made to land the mails at Southampton, commercial gentlemen residing in Scotland and the North of England thought they would be prejudiced by the consequent delay in the delivery of their letters, and a large number of memorials, signed by gentlemen of considerable standing and eminence in the commercial world, were presented to the Postmaster General and to the Treasury on the subject. The effect of these memorials was to induce the Treasury to accede to the proposal of the Postmaster General that this additional sum of £2,000 per annum should be paid in order to enable the mails to be landed at Plymouth instead of Southampton. The hon. Member for Penryn and Falmouth had now, with laudable zeal, put in his claim on behalf of the constituency he represented, and certainly no one who knew the West of England, and especially Falmouth, would fail to appreciate the merits of that port, with the charms of which he was personally acquainted. But, at the same time, not one of the memorials to which he had referred had suggested that Falmouth should be selected as the port for landing the mails; and, doubtless, the Postmaster General had been influenced in his decision in favour of Plymouth by that fact, and also by the fact that there was only a single line of rails running eastward from the former place, the traffic on which was of a very slow character. He thought the feeling of the House would be entirely in favour of the decision of the Postmaster General, who had no interest whatever in selecting one of these ports rather than another.

**MR. ANDERSON** said, there could be no doubt that in the preparation of this second contract a great mistake had been made by the Government. Notwithstanding that in the late contract there was no stipulation to call at a western port, still, when the new contract came up, the Government forgot altogether about a former omission.

The Company took advantage of that, and the Government had had to alter the contract in order to get the mails delivered at Plymouth, as they were before. If it were a question between Plymouth and Falmouth, he should have nothing to say; but it was a question between Plymouth and Southampton. If the mails were landed at Southampton, the whole of the northern letters would be a day later in being delivered. The question was between paying £2,000 a-year, or having the northern letters delivered 24 hours later; and, under the circumstances, he should vote for paying the £2,000.

**MR. SAMPSON LLOYD** observed, that the £2,000 was paid not because the mails were delivered at Plymouth, but because they were delivered at some port other than Southampton; and there were serious objections to Falmouth and Southampton which did not apply to Plymouth. He would remind hon. Members that a Committee of the House of Commons had decided in favour of Plymouth, and he hoped, under these circumstances, the Amendment would not be accepted, especially as by making Plymouth the port of call the people of Glasgow and the North of England would receive their letters several hours earlier.

**MR. HERMON** said, it was he and others, who had urged the Government to land the mails at Plymouth, who were chiefly to blame for the decision in the matter which had been arrived at. If it could be shown that if the mails were landed at Falmouth they would be received in the North of England 12 hours earlier, he should be happy to give the hon. Member for that borough his support on a future occasion.

**MR. LYON PLAYFAIR** pointed out that the tenders were open tenders, and that the Company having proposed to start from Southampton on more favourable terms than could be obtained from others, the proposal was accepted. Subsequently, memorials had been received pointing out the importance of Plymouth. The Supplementary Vote was one which, under the circumstances, he thought the House would do well to assent to.

**MR. D. JENKINS** said, he would withdraw his Amendment.

Amendment, by leave, *withdrawn*.

Main Question put, and *agreed to*.

*Resolved*, That the further Contract between the Postmaster General and the Royal Mail Steam Packet Company, under which it is provided that the Vessels of the Royal Mail Steam Packet Company shall call at Plymouth on their homeward voyage to land the Mails, be approved.

POST OFFICE—EAST INDIA, CHINA,  
AND JAPAN MAILS CONTRACT.

RESOLUTION.

MR. W. H. SMITH rose to move—

“That the Contract entered into between the Postmaster General and the Peninsular and Oriental Steam Navigation Company for the conveyance of the East India, China, and Japan mails be approved.”

The hon. Member said, he regretted having to propose a Motion which an hon. Member (Mr. Rathbone), who had the regard of every Member of that House, felt it his duty to oppose; but nevertheless he (Mr. Smith) hoped he should be able to persuade the House that the proposals of the Government in this matter were just, fair, and reasonable, and to the public advantage. This was not a new contract, but a proposal to modify an existing contract with a Company which had conveyed the mails between England and the East during the last six or seven years, and would continue to do so for a subsidy of £450,000 a-year until the 1st February, 1880. The contract was entered into in 1867, and was modified in 1870 at the instance of the noble Lord the Member for New Radnor (the Marquess of Hartington), who was then the Postmaster General. The Government had up to that time been in a sort of partnership with that Company. It had undertaken to pay £100,000 a year, and to contribute a further sum up to £50,000, in order to make the dividend up to 6 per cent if it should not be earned by the Company in its ordinary commercial transactions. It was felt that there were great inconveniences in the association of the Government with a Company in a species of partnership, and a fixed subsidy of £450,000 a-year was consented to in lieu of the then existing arrangement. At that time the Suez Canal was scarcely open; but within the last three or four years there had been a practical transfer of the traffic in passengers and goods from the long sea voyage to the passage through the Canal. In 1873 the Company applied to the Government of the day for permission to

pass their vessels through the Canal. They represented the inconvenience of landing their passengers and goods at Suez and embarking them again at Alexandria, and how their interest suffered by the continuance of the stringent provisions of the contract under which they worked. The Post Office expressed their willingness to accept a service which would effect a saving of 14 hours in the transit of mails *via* Brindisi to Bombay, Point de Galle, Hong Kong, and Japan, leaving the service from Bombay exactly as it was under the contract, and suggesting that a further 24 hours should be allowed for the service from Bombay to Southampton, and *vice versa*. The Postmaster General required that an abatement should be made from the subsidy of £30,000 a year. The Peninsular and Oriental Company declined the proposal; but offered in return to convey the mails from England to the ports of Bombay, Calcutta, Shanghai, and Yokohama in 24 hours less time than they were bound by their existing arrangement to do. The Post Office would not accede to this proposal, and the reason why no alteration was effected under the late Government seemed to be mainly that the reduction of subsidy to which the Company was willing to submit was not sufficient. When he came to consider the matter, after entering upon his present office, he was inclined at first to take the same view. The Company seemed to have lost a large part of their revenue by the transfer of a portion of their business to other Companies and shipowners, and it was thought that their object was to regain that business by means of a change in the provisions of the mail contract. On making inquiries, however, it was found that the advantage to be gained by the Company would not be so great as had been supposed. In one respect, no doubt, there would be an advantage, inasmuch as the Company would not be obliged, as it seemed it had sometimes been, to land the mails at the port on one side of the Isthmus and pass the steamer as quickly as possible through the Canal, in order that, at the port on the other side, she might take up the same mails. The present Government took the matter into consideration, and while he was as anxious as any one to save the public money wherever it was possible to do so, he submitted that the arrange-



ment which had been entered into was fair and reasonable. There was a subsisting engagement with the Company which would entitle them to come to the Government and say—"We are willing to make such and such terms to the public advantage provided certain conditions be relaxed in our favour." Well, he was of opinion that it would not be for the public benefit that the Company should be put into a position which would be hard on any contractor who endeavoured fairly and honestly to carry out his contract. If it were a new contract, he confessed he would desire to put it up to competition and to alter the terms; but we had now to consider the position in which we found ourselves, and under these circumstances, he submitted to the House that a fair proposal was made. An entirely new trade had sprung up within the last few years, owing, in a great measure, to the fact that the Peninsular and Oriental Company had been excluded by the terms of their contract from the profitable use of the Suez Canal. Those who objected to the contract—and their representations deserved the most serious consideration—had alleged that there was no gain in time, but an absolute loss in the proposal now submitted to the House. But those gentlemen lost sight of the fact that the Post Office under successive Administrations had thought it right and necessary to prescribe certain times of stoppage during the period of the voyage from England to the extreme East, a circumstance which had not been taken into account by the objectors to the new contract. Under different timetable sanctioned by different Postmasters General for the last six years, there had been stoppages of 24 hours at Aden on the outward voyage, and 20 hours on the homeward, 28 hours at Point de Galle, six hours at Penang, and other stoppages of a similar character, amounting to the difference between the estimate made by hon. Gentlemen of the proper time for the service and the time in which it was to be performed, which would justify his statement that there would be an actual saving of 24 hours on the passage outwards to India and China, and of 40 hours on the passage to Australia. But if the House refused to sanction this proposal, there would be no acceleration of the mails beyond the extent which his right hon. Friend opposite (Mr. Lyon Playfair) endeavoured to secure in Feb-

ruary last, and which was limited to 10 hours. We should lose the small sum which the Company undertook to surrender from their subsidy of £450,000, and also the great advantage of being able to exact the penalties for delays whether occasioned by stress of weather or any cause other than shipwreck. Under all the circumstances of the case, he did not hesitate to recommend the acceptance of the contract as one fully justified, and as tending largely to the advantage of the mercantile community.

Motion made, and Question proposed,

"That the Contract entered into between the Postmaster General and the Peninsular and Oriental Steam Navigation Company for the conveyance of the East India, China, and Japan Mails be approved."—(Mr. William Henry Smith.)

MR. RATHBONE, after presenting a Petition from the Liverpool Chamber of Commerce praying the House not to approve the contract, moved, as an Amendment, that it be not approved this Session. He and those who agreed with him felt no want of confidence in the Secretary to the Treasury; they acknowledged his anxiety for the public purse and his desire for the promotion of trade. The hon. Gentleman had met the representations which had been addressed to him in a candid spirit, he had withdrawn one contract and accepted modifications in another, and the very fact that he had done so showed how necessary it was that when a question of such difficulty, of such wide bearings, and important consequences to the trade of the country was proposed, there should be no undue haste, but that ample time should be given for its consideration. The original contract was made on the 9th of November, 1867, before the Government had time to receive representations on the subject of the great improvidence which was being shown. It was made for 12 years at a period when the greatest improvements were being effected in the construction of steamers, and when there was every prospect of the mails being carried with increased celerity. When the contract was made the main sources of revenue contemplated by the Company and the Government were the mails and the passengers. The quantity of goods carried was small, but the opening of the Suez Canal made an enormous difference in that respect. It was notorious to everyone acquainted with the shipping trade that if such a

contract had to be made now, it would be made at enormously reduced rates. The Company had got largely overpaid for the work. ["No!" Would the hon. Gentleman who said "No" stake his reputation on the assertion that if this contract were abrogated it would not be taken up at greatly reduced rates? He ventured to think that when the Company asked to be relieved from the stipulations in order to be enabled to compete with private companies, the Government were bound to see that the country should obtain such a reduction in the subsidy as would be equivalent to the relaxation they might grant. If they relaxed the stipulations without reducing the subsidy, the taxpayer would be unfairly burdened and the Company would have a surplus fund which it could use to suppress competition. The Government ought not to hurry through at the end of the Session without sufficient consideration a contract which, while it did not give the public the benefits to which it was entitled, would inflict a great injury on the shipping interest. As to the argument that different Postmasters General under different Governments had all taken the same course, it must be remembered that Postmasters General were often not selected for their great knowledge of mercantile affairs, and were naturally at the mercy of the permanent officials of the Department, whose bias had for years been far too much in favour of contractors, and far too little in favour of the public interest. He would illustrate the want of vigilance and care shown on behalf of the public by the case of the West India and Brazil contracts, in respect to which a new contract of a most improvident description was precipitately entered into. A practical man of business had told him that he would have been glad to carry out for £12,000 the service for which the Government had given £32,000. With regard to the manner in which the Peninsular and Oriental Company had done their work, he (Mr. Rathbone) maintained that they could have done it a great better if they had chosen, and that they ought to have gone faster considering the great improvements which had been made in connection with steamboats. They had been beaten in the most extraordinary way by private traders. The private trade were unable to see what were the full bearings of

that contract until further time was given for its consideration; and the Government ought not to make a contract tie it round their necks for another year and a-half without more care going into the subject. *Marseilles*, *Trieste*, and similar places had been more than heretofore the centres of trade and it was only by the enterprise of active traders that so large a portion of the traffic through the Suez Canal had been retained for this country with great disadvantages. Those men fairly said that before a contract made which would enable a large monopoly greatly to injure, if not to ruin the Government ought to obtain for the country some commensurate advantage. He hoped the Government would draw the contract till next Session, in all events, that it would only be allowed to run till the 1st of March, in order to give time to the commercial interest to ascertain its true character and value. He begged to move that the contract be not confirmed.

Mr. ANDERSON seconded the Amendment. He thought that a change was to be made in the contract at all it ought to be one in the direction of a reduction of the subsidy. He complained that the conveyance of the mail to India by the Peninsular and Oriental Company took a much longer time than was necessary, and that time saved were another Company to be employed. He regarded it as a great misfortune to be tied down by this contract for another six years, because if it were not for such an arrangement, he believed they might even now do without a subsidy. He hoped the Government would not insist upon pressing this new contract at that late period of the Session.

Amendment proposed, to leave out the word "approved," in order to leave the words "not approved this Session" — (*Mr. Rathbone*),—instead thereof.

Question proposed, "That the words 'approved,' stand part of the Question."

Mr. SAMUDA said, he thought his hon. Friend who brought forward this Motion had not fully appreciated the subject really before the House. It appeared to him the only course to them was to accept that which had been recommended by the Secretary to the Treasury. In 1867 a contract

*Mr. Rathbone*

entered into with the Peninsular and Oriental Company, and they were to receive either £400,000 or £500,000 a-year, according to the amount of return they were able to get from the contract they had entered into. If they could obtain a fair return for their capital, they were to be contented by receiving £400,000. If not, they were to be able to draw an extra £100,000 a-year to make up for the deficiency. If they received 6 per cent for their money they were to be contented; if not they were to receive the supplementary sum. After having had the contract for three years they had not been able to get a sum sufficient to relieve the Government from paying the extra £100,000, and the noble Marquess (the Marquess of Hartington), the Postmaster General at the time, made an arrangement in the interests of the public, saying that as he had been compelled to pay £100,000 a-year under the contract, and as there was no prospect of the Government being relieved from paying it, he would make a variation in the contract—namely, that instead of remaining in partnership with the Peninsular and Oriental Company, to share their profits, he would give them a fixed sum of £450,000 a-year, and they should shift for themselves. The country accepted that arrangement, and had since been relieved from paying £50,000 a-year. Instead of there being correctness in the statement of his hon. Friend (Mr. Rathbone) that the subsidy alone was sufficient without either the carriage of the mails or passengers, and that the Company was greatly overpaid, he (Mr. Samuda) wished to point out that the Company had never paid more than 6 per cent from the time they entered into the contract in the year 1867, and that on the last occasion the dividend paid to the shareholders was only 5 per cent. The subsidy was £500,000 a-year, and the earnings of the Company, including the subsidy, varied from £1,500,000 to £2,000,000, and yet they were only able to pay their shareholders £170,000 a-year. It was therefore absurd to say that the subsidy would be sufficient to carry the mail service without cargo or passengers. He wished to call attention to another fact which appeared to be lost sight of—namely, that it was not proposed that any variation should be made in respect of the carriage of the important mails between

this country and India. The only alteration suggested had reference to slow or water-borne traffic; but, whether as regarded the fast mails or the slow, the proposal made by the Company would confer a great advantage on the public. It should be borne in mind that the existing contract was one which must last for six years. What was asked was that while the really valuable portion of the service should be carried through Egypt, as it now was, permission should be given to carry the heavy portion of it through the Canal, instead of, as heretofore, by railway. Not a single passenger, however, being prevented from travelling overland if he thought fit to do so. The Company went further, they offered to accelerate the mails and to make concessions in the matter of fines. If they were deprived of the contract after serving the country for 25 years, the result would be that having received only 5 or 6 per cent for their expenditure their property would be depreciated in value to the extent of the dividends they had paid for over 20 years. He could not conceive that any fault could be found with the arrangement that had been made by the Government in this matter. It secured to the public many important advantages, and the Company had acted very disinterestedly in entering into the contract. Their vessels were of the highest character. Indeed, during the last five years they had only lost one vessel out of their entire fleet, and that under the most exceptional circumstances, and this, in his opinion, ought to have a great deal of weight in the view which the House was to take of this question. He certainly did hope the House would not be led away by the statements of those interested in rival trades, and who wished to keep everything in their own hands.

MR. DODSON said, he had no interest or feeling either for or against the Peninsular and Oriental Company, or any other Steam Packet Company. His only anxiety was that that should be done which was best for the public service. This contract had been prepared with very insufficient attention, and better terms might have been made, as he believed, for the public. There were no fewer than 14 blunders in the contract as originally drafted in July last. They had been corrected; but it was mainly through

the instrumentality of rival shipowners, whose interference in these matters had been so much deprecated, that their existence had been brought to the knowledge of the Treasury. There were some points in the amended contract that required attention. Among others, he found it was stated that "96 hours additional" were to be allowed from Bombay to Suez, and from Shanghai to Bombay. To what time were those 96 hours additional? and were they to count twice over on those two voyages? With regard to the acceleration of 24 hours, so far as the contract went, it would be an acceleration that would not involve any increase of the speed of the vessels, as the Company might gain the time by curtailing the stoppages at different ports. With regard to the acceleration of the hours in the delivery of letters to Australia, that appeared to be merely a voluntary statement on the part of the Company, which they were under no obligation to fulfil. Then it was said that the penalties had been increased. The object of increasing penalties was to ensure the fulfilment of the contract as entered into, and therefore it was essential that they should examine whether the increase of penalties in the amended contract was such as to give the desired assurance. He maintained that they were not. The present penalties applied to the several links in the whole route, and were cumulative. Under the new contract, however, the penalties were terminal, and they were not, in effect, any larger than they were at present. Even under the amended contract, there were some voyages in regard to which penalties were omitted. He was of opinion that when hon. Members talked of quadruple penalties being imposed on steamers not keeping time from England to Bombay and Bombay to Shanghai, it was all moonshine. The time allowed for the entire voyages was so ample, and the stoppages so entirely at the discretion of the Company, that, practically, the Company stood in no risk of incurring a penalty. The hon. Member who last spoke referred to the amount of the original contract of 1867 and to the reduction that had been made upon it. There was one thing that he showed effectually—namely, that that contract was a remarkably improvident one. It was an advantage that there would be no pre-

mium to pay under the second contract. Altogether there was a gain by the concession to the extent of £24,000 a-year at the outside, and the question was whether that was enough. The late Postmaster General and his Predecessor and the late Treasury were of opinion that it was not enough; and that opinion had at first been endorsed by the present Treasury, which, however, had given way to the remonstrances of the present Postmaster General, and said it had been greatly influenced by the fuller explanation given by the Company as to the cause of the reduction of their revenue, and the slight probability of any considerable increase resulting from the contemplated changes in their service. It was desirable that that fuller explanation should be laid before the House, and until that was done the House ought to pause before confirming the contract. The assumption as to the decrease in the profits of the Company did not appear to be based on sufficient data, and on the other hand sufficient allowance was not made for increased advantages which the Company enjoyed since the original contract was entered into. He believed that if the Government went into the market now they could get the service performed for one-half of the present amount—"No, no!"—at any rate, for two-thirds. So far as the mails were concerned there was no advantage to the public in sending them through the Canal, but, on the contrary, disadvantage, if they looked only to the object of the subsidy—namely, the expediting the mails; while the advantages of the Company were very great indeed. By this arrangement the Company's steamers would gain a precedence in passing through the Canal over all their competitors in trade, and could be repaired and coaled in this country, instead of in the East, which would diminish their working expenses. He strongly urged the advisability of postponing the matter until next Session.

THE CHANCELLOR OF THE EXCHEQUER said, he did not know that it would be necessary for him, or agreeable to the House, that he should attempt to follow the right hon. Gentleman (Mr. Dodson) through all the details of his statement. He very much regretted that the Postmaster General was not in his place, as he could reply more directly to the right hon. Gentleman's statements.

The right hon. Gentleman had entered into some details of this contract, and had enlarged upon and criticized the 14 sunders which he said had been committed; but he (the Chancellor of the Exchequer) must say that they had been very considerably exaggerated; and, with respect to the omissions to which the right hon. Gentleman referred, the reason why they took place was, that it was intended to make alterations in the contract. With regard to the number of hours in which the voyages were to be performed, there had been, in point of fact, an improvement made in the contract, and the Government had given attention to those matters to which the hon. Gentleman the Member for Liverpool (Mr. Rathbone) had referred. The right hon. Gentleman directed attention to various matters; but, in point of fact, the question which the House really had to consider was one relating to the contract. This was a contract by which Parliament was bound for five years. During that time the mail service was secured by agreement with a respectable and responsible Company. It was a question, no doubt, whether, if they were going to enter into a new contract at the present time, the Government could not obtain better terms; but this was beside the question, because the Government were bound by the existing contract. The position of the Company was this—that whereas it formerly relied on its ordinary trade, its passengers and cargo, to enable it to make its profit, the Company now found itself so hampered by its contract that it could not avail itself of the natural and more advantageous route which it would prefer to take. Although some of the Company's ships went through the Canal, yet others were bound to go by way of Alexandria. The Company were told by hon. Gentlemen opposite, and those whom they represented, that the Company were asking for a favour to themselves, and that they ought to give the State a share in the advantage. The Company rejoined that they did not desire to take all the benefit, and that they were ready to give some advantage to the public. They were ready to undertake that the voyage, or a certain portion of it, should be made in a much shorter time than at present. They were also ready to undertake that the mail service outwards should be performed in 24 hours' less time. Lastly,

they undertook to accept a reduction of something like £20,000 a-year from what they now received. There were, also, some small further sums of about £4,000 a-year which they were willing to give up. The Company, therefore, said—"Relieve us from the disadvantage that now presses upon us, and we will give you an accelerated service, and accept a reduction of £24,000 a-year in the amount now payable for the remainder of the term during which the contract has to run." It was difficult to see why the Government should refuse this offer. The owners of private steamers represented that this change would place them at a disadvantage, because the Company were thus the better enabled to compete with them. That was an argument which, it appeared to him, was difficult to maintain in that House. Another argument was, that the Government were asked to give the Company so much that they ought to get more from them in return. Looking at the matter from the point of view which he had endeavoured to lay before the House, he did not think they ought to look upon the Company's difficulty as the public opportunity. The terms on the whole were, in his opinion, the best which the country was likely to get; and, therefore, he hoped the House would assent to the decision at which the Government had arrived.

Mr. LYON PLAYFAIR said: This contract should not be ratified by the House until its bearings on the general interests of commerce and of shipowners have been fully considered. The Peninsular and Oriental Steam Company is very highly subsidized by the State, and partly through that subsidy, but largely also by its own energy, has a magnificent fleet of vessels which have been an important means of keeping up our communication with Eastern countries. Principally and chiefly, in its relations to the public, it is a service for carrying mails speedily. Its vessels, in the light of cargo and passenger vessels, are incidental to that service, and have no claims to the consideration of the Government. Its subsidy is purely for mail transit, and is sufficient for that purpose. If it build large vessels for cargo and passengers, care must be taken that the interests of these do not affect injuriously the mail service, for which alone the public pay £450,000 per

annum. Now the Suez Canal has altered the conditions of cargo and passenger traffic. It may be, and is, an injury to this traffic, that they have to be sent by rail over the Isthmus of Suez, when, without disembarking they might pass through the Canal. If the steamers of the Peninsular and Oriental Company desire to pass through the Canal, they have a right to do so, provided the mails are carried with the utmost possible celerity, and provided, also, the Company do not use a Government subsidy to injure the private shipping enterprise of the country, which in its aggregate is much more important to the interests of the nation, even than the noble fleet of the contracting Company. A deputation which came to me last week to remonstrate against this contract represented upwards of 1,000,000 of tons of steam shipping, while the tonnage of the Peninsular and Oriental Company is 122,000 tons. Now, there is, rightly or wrongly, much apprehension among ship-owners trading to the East. They do not fear a fair and open competition with the Peninsular and Oriental Company, but they ask us not to allow our mail subsidy to be used for an unfair competition in regard to passengers and cargo. Mail steamers have the precedence of ordinary vessels in the Canal. Suppose that a fleet of 20 vessels are arranged in order to pass through the Canal and that a mail steamer arrives, by this precedence the 20 merchant vessels have to give way to the mail steamer. If that steamer, in addition to the mail, carries passengers and cargo, as it always does, of course this precedence gives an enormous mercantile advantage to the mail carrying vessel. Some of the largest shipowners from Liverpool and Glasgow assured me when I was Postmaster General, that this precedence would be injurious to them and would give such an unfair advantage to their vessels, in regard to merchandize in which speed is an object, as would render competition difficult. If these apprehensions are true, this would be an unfortunate result of our subsidy. Because its effect would be that in 1880, when the contract ends, you might no longer find a large and fine fleet of fast vessels to compete with the Peninsular and Oriental Company, and you might be forced to renew a contract which is now so onerous to the

nation. My predecessor in the office of Postmaster General (Mr. Monsell) foresaw this evil, and he stipulated as a condition of allowing the vessels of the Peninsular and Oriental Company pass through the Canal, that they should drop £30,000 a-year out of their present heavy subsidy of £450,000 per annum. Subsequently, he thought that this was too small an abatement upon what was essentially a new contract, and he raised the demand to £50,000. This was the state of affairs when I entered the Office. I thought the sum of £50,000 named by my predecessor was a reasonable price for a very important concession to a Company, which admitted the loss which they have sustained in the Canal competition has exceeded £300,000 a-year. The Treasury, however, did not agree with me in asking £50,000, and thought that £60,000 should be demanded. On what grounds the present Government have consented to the small abatement of £20,000 I do not pretend to understand. It is that with their mail precedence the Peninsular and Oriental steamers drive the competition of light cargo out of their way, and they may recover their £300,000 loss. If they do, the country ought to have participated in their earnings, and should have upon them a substantial handicap to prevent private ships from being driven out of the race. It was in the circumstances that the contract of 8th July was presented to us. Unfortunately it was that Parliament required to see and confirm this contract for it was strangely imperfect, and had already been substituted by a second contract of the 1st August, issued on Saturday. After the remarks of the hon. Member for Liverpool (Mr. E. Bone) I will simply remark that the old or abandoned contract left unregulated the whole of the mail service out of England, and the whole of the homeward service—heavy and light in the Shanghai, Calcutta and Poin Galle sections. The new contract, as we pointed out these strange omissions, does contain time regulations, but not satisfactory ones. It, in fact, applies the present time-table rules which were not a part of the old contract, but which have been merely variable times fixed by the Postmaster General, and it makes them in the future fixed times by

*Mr. Lyon Playfair*

tract. The disadvantages of the change will be understood, when I mention that the old contract fixed the times of voyages at 11 knots from Brindisi to Alexandria, and on other routes at 10 knots westward of Egypt, and 9½ knots eastward. All this is very moderate when we recollect that vessels from Liverpool to New York average 12 knots in a moderate passage. The new contract fixes no such speed, but, in fact, lessens it to under 9½ knots for the whole distance, by making the variable time-tables of the Post Office the fixed conditions of the contract. Now, these time-tables were more constructed in the convenience of the vessels as cargo and passenger ships than as mails, for they did not give uniform times of voyages to and fro, but allowed from 10 to 43 hours' difference in various routes so as to suit the requirements of mercantile adventure with which the Post Office had nothing to do. And this consideration to the Company, which had crept into the time-tables, is now made unchangeable by the new contract. It is true that, compared with the former time-tables, there is a saving of 24 hours to India; but much more than this could have been obtained by a proper application and reasonable construction of the old contract. The Khedive has lately entered into a Convention with England for hastening the transit across the Isthmus of Suez, and under this the 50 hours occupied by the heavy mail might have been largely reduced. It is quite clear that a proper use of the railway must gain, at least, two days over the Canal. By that route three days are required from Alexandria to Port Said, while 24 hours would be ample for the heavy mail from Southampton; as, in point of fact, 17 hours only are now given to the light mail from Brindisi, the actual time of transit being 10 hours. Take it as you like, the mail could be sent two days quicker by rail than it could be sent in the detour by the Canal. To speak generally, then, Her Majesty's mails are sacrificed for cargo and passengers. This is unjustifiable with the enormous sum of £430,000, which we are in the future to pay for them. The remission of £20,000, or £24,000, is nothing at all in comparison with the advantages which might have been derived by a better administration of the old contract. But what I complain of

is, that the new contract stereotypes all the errors of administration into it, and renders it impossible till 1880 to obtain better terms for the public. Looking at the matter in its general relations, there are two views—one a departmental, and the other a national aspect. Let us first take the departmental one. We find, at the present moment, private merchant steamers making their runnings much quicker than the mail vessels; and it is certain that, if there were now no subsidy, we could get mails carried faster than the contract time, for the mails are lagging behind cargo. By this contract you aggravate the errors of a past administration, and you are content to take a low saving of £20,000, when in all probability, by their own showing, the change may gain to the Company at least ten times as much. Now, look at the national point of view. You are allowing this heavily subsidized Company to commit a crushing injustice to the unsubsidized mercantile navy trading to the East. With its mail privileges in the Canal and heavy subsidy, the Company can carry light and precious freights at great advantage over other steamship owners. The probable result will be that the latter will have to alter the fast ships, which they have constructed for the Canal traffic, and run slower ships for heavy cargo. And when your action results in this change, the year 1880 will be upon you, and you may have to renew your mail contract on its present exorbitant terms. The contract of 1867 was a bad one for the country, and now this new contract tends still further to clog the development of free trade in steam to the East, by intensifying the competition of an impolitic monopoly. The small saving of £20,000 to the Revenue is as nothing, compared with the present and prospective evils of a subsidized competition in a new route to the East. It was this consideration that induced the late Government, when I was Postmaster General, to demand some substantial reduction of the subsidy—our amount being £60,000, while the present Government is content with one-third. The policy of the Post Office for the future ought to be to have no highly subsidized mail contracts. We have before us an example to-day of the new contract for the West India mail service, which I had arranged before leaving office. Formerly, that

was carried on at a loss of £110,000 per annum. The new contract is substantially at the price paid to the Post Office for the letters carried, and, after the first year or two, may result in a small gain, instead of loss. And, except at some out of the way small ports, this method of securing sea mails at the postage carried may readily be adopted for the future. Probably, it could be for the East, if we do not by this bad new contract drive competition out of the field by the year 1880. The mail subsidies of the Post Office have not promoted, but largely injured, the progress of navigation. Look at any of the modern improvements in steam vessels—iron ships, screw propellers, or compound engines. These have not arisen within the great subsidized Companies, but external to them. Subsidies promote conservatism in navigation—free competition leads to reforms and improvements. Now, why I particularly object to this contract is, that I fear it stands much in the way of the future and speedy abolition of the subsidy system in the Post Office. It intensifies the monopoly of a heavily subsidized Company, and tends to perpetuate itself by the pressure of an undue competition. When this contract was entered into, in 1867, the Suez Canal was rapidly in course of completion; and yet this Company, and the Government of the day, deliberately entered into arrangements for upwards of 10 years to go in the old way under a subsidy which is huge in amount. Now, the Company desire to adopt a route which they refused to believe in then, and drop their subsidy by a trivial sum in order that they may be allowed to travel on the same line as competing steamers which have arisen because that route was free from their formidable rival. I contend that this is unwise, departmentally and nationally, unless the terms of the subsidy are largely reduced. As this is not the case in the present contract, which is practically a new one, I will vote for the Amendment, which refuses to approve it during the present Session.

Mr. GOLDNEY said that the Peninsular and Oriental Company offered to accelerate the the mails by 24 hours, and to give the public £24,000 a-year on the condition that they should have the same trading facilities as other companies. The request was one which he

could not but consider as perfectly reasonable.

Mr. MUNTZ believed the question to be a very simple one; it amounted to this—whether for months at all events, and possibly five years, the public should suffer a loss of £24,000 and the mails be delayed 24 hours, simply because some companies might otherwise be interposed with. The question was precisely the same as that which had been before the House last year in respect to the Atlantic mail. He should vote in favour of the Motion with the object of getting the mails delivered earlier.

Mr. T. E. SMITH said, that the question was really whether an entire trade should be thrown open to the Peninsular and Oriental Company, whether in carrying on that trade they should receive aid and subsidy from the Government. Under the present contract they might, if they liked, use London or Liverpool instead of Southampton, and he did not, therefore, regard the compensation offered to the Company as anything like adequate. The advantage they would receive should vote for the Amendment.

Mr. CHILDERS said, he thought it would be better that the House should confirm the present contract. He was a Member of the Committee of the House which looked carefully into the question, and he also took part in the debate in 1868 when the original contract was adopted. What the House ought to consider was this, that when the question was settled, there was not the same idea of the route through the Suez Canal being available for any purpose as now. That, however, was now changed, and the sole route to the East was therefore they had to deal with a very different state of circumstances. This fact ought to be taken into consideration, and although he regretted the original contract, yet as he had heard from the Chancellor of the Exchequer and the Secretary to the Treasury that a saving to the public of £20,000 to £30,000 a-year would be effected, besides other advantages, he was proved of the confirmation of the contract at the present time.

Question put.

The House divided:—Ayes 145; Noes 123: Majority 122.

Main Question put, and agreed to.

*Mr. Lyon Playfair*



*Resolved*, That the Contract entered into between the Postmaster General and the Peninsular and Oriental Steam Navigation Company for the conveyance of the East India, China, and Japan Mails be approved.

IRELAND—DUBLIN UNIVERSITY.  
RESOLUTION.

Mr. BUTT, in rising to move—

"That, having regard to the importance of the changes in the constitution of the Dublin University, and the period at which the draft of the proposed Queen's Letter has been laid upon the Table of this House, it is desirable that before they are finally sanctioned, a fuller opportunity should be afforded for their consideration than is possible during the present Session."

He said, that the managing body of Trinity College had prepared the draft of a Letter to be submitted to Her Majesty for her approval, making certain changes in the constitution and system of the College. The proposed statute was, indeed, very fully discussed in the Senate of Dublin University, but it was not laid on the Table of that House until the 9th of July; and it was to be presumed that the object of laying it on the Table at all was to enable it to be properly discussed in that House. From the Answer given by the Government to a Question which he had put to them on that subject on the 23rd of April he had understood, as the public out-of-doors also understood, that that House as well as the Senate of the University would have a full opportunity of discussing that matter. The effect of the Bill introduced in a previous Session by the hon. Member for Hackney (Mr. Fawcett) for abolishing religious tests in the Dublin University had changed the whole relation of that University to the Crown and Parliament, and it would be unwise in the Government now to force on the issuing of that Letter without giving the House an opportunity of considering it. What they had to consider was whether the Queen's Letter would introduce such changes into the Dublin University as would make it a national institution. He contended that it would not, and that that result was not likely soon to be realized. No change would really make Dublin University a national University which did not provide in some way for Roman Catholics receiving education there such as they were willing to accept. There was no attempt whatever in the Queen's Letter to achieve that desirable object, and that was a sufficient

reason to condemn it. He contended that this Letter ought to be delayed until full time was given for its consideration, and until those who were interested in it had had the opportunity of submitting their views in regard to its proposals. The question was one of the very greatest importance to Ireland, and he hoped the House what endorse what he had submitted.

THE O'DONOGHUE seconded the Motion. He admitted that the subject dealt with by the Queen's Letter was a difficult one; but there was nothing insuperable connected with it, nor would it be impossible to grapple with it successfully if proper time were taken for consideration.

Motion made, and Question proposed,

"That, having regard to the importance of the changes in the constitution of the Dublin University, and the period at which the draft of the proposed Queen's Letter has been laid upon the Table of this House, it is desirable that, before they are finally sanctioned, a fuller opportunity should be afforded for their consideration than is possible during the present Session."—(Mr. Butt.)

SIR MICHAEL HICKS - BEACH said, that no doubt the draft charter was only laid upon the Table in July; but there had been many opportunities afforded for the matter to have been brought under the consideration of the House if hon. Members were anxious to do so. Even on Saturday last at 2 o'clock, the hon. and learned Member had a fair opportunity of discussing the matter, but neither he nor the hon. Member for Tralee (the O'Donoghue) had availed himself of that opportunity. The hon. and learned Member for Limerick and the hon. Gentleman who seconded his Motion rather exaggerated the importance and purport of the document which would, if acted upon, simply and solely carry out the legislation of the last Session of the last Parliament. There was nothing in the proposed Queen's Letter which would in any way debar any hon. Member who looked at the question from a denominational point of view from bringing it forward next Session.

Notice taken that 40 Members were not present; House counted, and 40 Members being found present,

SIR MICHAEL HICKS-BEACH resumed: The hon. and learned Member

for Limerick had himself admitted that the University of Dublin occupied a peculiar position—that under the terms of its original charter power was given to change its constitution in a much easier way than that of Oxford or Cambridge could be altered. The form of charter before the House had been adopted by the Senate of the University after full consideration of many plans which were submitted to them. Let them suppose this letter to be issued, what would be the result? Merely this—that a particular change would be made for the present. There was no necessary finality about it. If it were found that the new system did not work satisfactorily it could be altered at any future period. Considering therefore, that with regard to the abolition of tests, the Queen's Letter merely carried out recent legislation, and with regard to the constitution of the new Governing Body of the University, it might be altered next year if it was found not to work well, he thought the opportunities for its consideration were all that those most interested in the subject could desire.

MR. ERRINGTON supported the Motion in no spirit of hostility to an institution of which he was proud. He declined, however, to sacrifice the educational interests of Ireland to what he regarded as the selfish interests of a small and select Governing Body.

Notice taken that 40 Members were not present; House counted, and 40 Members being found present.

MR. ERRINGTON resumed: He would suggest that only that part of the Queen's Letter which would abolish tests should be acted upon, and that the residue of the new scheme should be reserved for future consideration.

THE O'CONOR DON said, he could not allow the debate to close without joining in the protest which had been made against the intended ratification of the proposed draft charter. He also protested against the argument of the Chief Secretary for Ireland, that the passing of the Appropriation Bill, introduced at the end of the Session, afforded a reasonable opportunity for the discussion of such an important question as this. That it was impossible to discuss it that evening was evident from the proceedings of the last quarter of an hour during which two attempts had been made to stifle discus-

sion, attempts which had been aided by Members of the Government who had retired from the House immediately before the last Count and had returned when it was unsuccessful. He was glad, however, to learn from the Chief Secretary that this draft charter had no character of finality about it—in fact, it settled nothing, and it could not be urged as an argument against proposing further change for the year or the year after. Considering the character thus given to it by the Chief Secretary he hardly knew what was the object or why it should be pressed forward with such determined haste. He wished to assure the House that nothing for the Catholics of Ireland it did not improve their condition in any appreciable way; and that no great conclusion could be entertained that the position that its adoption would in any way whatsoever, add to the new character of the University of Dublin.

MR. FAWCETT remarked that the Queen's Letter would not prevent the subject being brought fully under the consideration of Parliament next Session. He should not approve of a scheme, which was imperfect, as a measure of re-organization, but he regarded it as merely a basis for future reform. ["Divide!"] As it appeared he was not to be heard he would withdraw the adjournment of the debate.

Motion agreed to.

Debate adjourned till To-morrow.

House adjourned at a quarter of eight after One o'clock.

## HOUSE OF LORDS

Wednesday, 5th August, 1874.

MINUTES.]—PUBLIC BILLS.—*Second Reading*—*Committee negatived*—Supreme Court of Judicature Act (1873) Suspension \* (231); Commissioners of Works and Public Buildings (232); Irish Reproductive Loan Fund \* (233).—*Committee—Report*—Turnpike Acts Continuance \* (212); Royal Irish Constabulary Bill (213); Dublin Metropolitan Police \* (221); Lunatic Asylums (Ireland) \* (216); Office Savings Bank \* (219); Great Offices \* (217); Fines Act (Ireland) Amendment \* (218); Expiring Laws Continuance \* (220).

*Sir Michael Hicks-Beach*

**Third Reading**—Registration of Births and Deaths \* (208); Sanitary Laws Amendment \* (225); Endowed Schools Acts Amendment \* (214); Consolidated Fund (Appropriation) \*; Valuation (Ireland) Act Amendment \* (206); Lough Corrib Navigation \* (207), and *passed*.

The House met at Twelve of the clock.

#### PUBLIC WORSHIP REGULATION

BILL.—[H.L.]

Returned from the Commons with the amendments to which the Lords have *disagreed not insisted on*, and the amendments made by the Lords to the amendments made by the Commons *agreed to*.

House adjourned at a quarter past Five o'clock, 'till To-morrow, Three o'clock.

#### HOUSE OF COMMONS,

Wednesday, 5th August, 1874.

**MINUTES.**—PUBLIC BILL—*Second Reading*—Open Spaces (Metropolis) \* [230], *put off*.

#### ARMY—PRESTON BARRACKS, BRIGHTON.—QUESTION.

GENERAL SHUTE asked the Secretary of State for War, Whether it is true that the troops in Preston Barracks, Brighton, have been for about six years without any drill ground, notwithstanding the repeated representations of the officers commanding the cavalry regiments that have in succession been quartered there; whether the present War Department will take steps to procure proper exercising grounds; and, whether he will consider the advisability of passing an Act to enable Government to purchase or rent a right of trespass on waste, down, and partially uncultivated lands, in the neighbourhood of some of the cavalry barracks, with a view to rendering considerable tracts of country available for a more efficient practice of outpost duty?

MR. GATHORNE HARDY, in reply, said, the troops in occupation of Preston Barracks, near Brighton, had an exercising ground up to the year 1864, when it was given up because it was unsuitable for that purpose; and from then to this time there had been no exercising ground except the parade ground which

was the property of the War Department. Representations on the subject were made last March, and a field of 15 acres had been procured at a somewhat high rent. With respect to procuring an Act of Parliament, that was a question rather larger than he was able to answer off-hand. In former times, when the country was threatened with invasion there was no difficulty in obtaining exercising grounds; and in some of the enclosure Acts provision was made for the use of exercising grounds. He would consider carefully the advisability of passing an Act to enable Government to do as the hon. and gallant Member desired, but he could not give any undertaking on the subject.

#### ARMY SERGEANTS—GOOD CONDUCT WARRANTS.—QUESTION.

GENERAL SHUTE asked the Secretary of State for War, Whether he will consider the advisability of extending to Serjeants whilst serving, the advantages of the "Good Conduct Warrant," which is granted to corporals and privates, as a reward for length of service, combined with good conduct, or whether he will propose any other scheme by means of which serjeants may receive increased remuneration in proportion to their very responsible and increasing duties, resulting from the short service Act, and the consequent much larger number of Recruits and young Soldiers?

MR. GATHORNE HARDY, in reply, said, that the position of Serjeants would occupy the attention of the War Department, but that Good Conduct Warrants did not apply to them, because it was through their good conduct that they were serjeants, and besides they were entitled to medals and pensions.

#### THE IRISH LAND ACT, 1870—BOARD OF PUBLIC WORKS—ADVANCES TO TENANTS.—QUESTION.

MR. CHAINE asked the Secretary to the Treasury, Whether the Board of Public Works in Ireland have made any rule whereby they refuse to advance money to tenants under the 44th or 47th sections of the Land Act (Ireland) 1870, unless the title be one by sale in the Landed Estates Court, Ireland; whether any case has come before the Board of

Public Works, where the landlord's interest has been sold by order of the English Court of Chancery, and whether the Board have refused to accept a title given to a purchaser by such sale, though such title had been investigated and found satisfactory by the English Court of Chancery; whether it is the opinion of the Law Officers of the Crown that the rule of the Board above referred to, is in accordance with the provisions of the Land Act, 1870; and, whether there is no provision whereby a landlord and tenant agreeing on a sale without the intervention of the Landed Estates Court, the tenant can borrow a portion of the purchase money from the Board of Works?

MR. W. H. SMITH: Sir, the Board have not made any rule of the kind described by the hon. Member. Where, however, the application for an advance is made under an agreement proposed to be carried out under Section 1, Sub-section 3, of the Amending Act of 1872, the Board have required that the landlord shall have a Parliamentary title, and that the estate is unencumbered. When encumbered, they have recommended that the sale should be carried out under Section 32 of the principal Act. One case only of the nature in question has come before the Board. In that case information was verbally requested on behalf of Mrs. Maria Stuart, as to whether, having bought a townland from the Court of Chancery in England, the Board would advance to her two-thirds of the purchase money of that part of the townland which constituted her own farm. In reply to that inquiry, the Board's Solicitor stated that, under the circumstances, the loan could not be made; but, on a further written application from Dr. Traill, acting for Mrs. Stuart, he was informed, on the advice of the Solicitor, that her case would be re-considered upon his applying by Memorial—forms of which had been sent to Mrs. Stuart—with abstract of title, and reminding him that the case must fall within the 32nd and 33rd sections of the Land Act, 1870, as amended by the 1st section, Sub-section 3, of the Act of 1872, to enable the Board to lend. To that communication, which was dated the 17th of April last, no reply has been received.

#### ARMY—THE CHANNEL ISLAND MILITIA.—QUESTION.

MR. LOCKE asked the Secretary of State for War, Whether the Government intend to withdraw the aid granted to the Channel Islands Militia should the authorities in the Islands be unprepared with proposals for the re-organization of the force, in accordance with the recent Circular issued for that purpose by Her Majesty's Ministers; and, whether, in the event of War, such proposals having to be turned before the expiration of the year 1874?

MR. GATHORNE HARDY, in reply, said, that the Governors of Jersey and Guernsey had been informed that if they put their Militia on a proper footing, the Grant for the re-organization of the force would be withdrawn. He had recently been requested to see their proposals before the 1st of October this year, and until he had these proposals before him he could not state what the intentions of the Government were.

#### THE CHANNEL ISLANDS — LAWYERS — JERSEY—REPORT OF THE COMMISSIONERS.—QUESTION.

MR. LOCKE asked the Secretary of State for the Home Department, Whether it is the intention of Her Majesty's Government to request the States of Jersey to take into serious consideration the Report of the Commissioners appointed to inquire into the Civil, Municipal and Ecclesiastical Laws of the Islands of Jersey, which was ordered on the 14th of April, 1859?

MR. ASSHETON CROSS, in reply, said, that the Report could be found in the Library of the House. It was a bulky volume, and he had not had time to call the attention of the Government to it. His attention had been called to the state of the Laws of Jersey in consequence of certain proceedings which had recently taken place there. The result was, that he had given instructions that an arrangement should be made for an interview between himself and the Governor at some convenient time during the year, in order to confer upon the subject of such administration of the law.

**EGYPT—DUTY ON COAL.—QUESTION.**

Mr. DAVID JENKINS asked the Under Secretary of State for Foreign affairs, If he has received information that a Duty of eight per cent has been recently levied by the Egyptian Government (without any official notice) on all coal landed at Port Said and Suez, intended for consumption by steamers passing through the Suez Canal; if he is aware that the French Government have protested against the impost as illegal; and whether Her Majesty's Government will take steps to ascertain if this tax, so seriously affecting British Shipping trading to the East by that route can be legally enforced?

Mr. BOURKE, in reply, said, that recently news had been received at the Foreign Office that such a duty had been imposed by the Egyptian Government; next, that no official information had been received of the French Government having protested against it; and, thirdly, the Government, as at present advised, believed that under the Treaty of 1861 it was a legal imposition, and could be enforced, although the Egyptian Government had hitherto refrained from imposing it.

**METROPOLIS — THE COLONNADE OF BURLINGTON HOUSE.—QUESTION.**

Mr. BERESFORD HOPE asked the First Commissioner of Works, Whether he has yet made arrangements for the re-erection of the Colonnade of Burlington House, and on what site?

LORD HENRY LENNOX: Sir, the colonnade to which my hon. Friend the Member for Cambridge University refers consists of 36 columns; but the base and entablature being curved, there would be great difficulty in adapting it to any other style of façade than that for which it was originally designed. The cost of removing it from Burlington House to Battersea Park, where it now lies, was £850, and it could not be re-erected, even on its present site, for less than £2,000 or £3,000, at a low computation. And now, I wish to make an observation to my hon. Friend, and to say that I venture to think that on this occasion he and I ought to change places. Seeing that it was mainly by the powerful advocacy of my hon. Friend that the colonnade was preserved, I really think that

it was he who ought to have fixed upon a suitable sight, and have then found the means for placing it there.

Mr. BERESFORD HOPE: After that Answer, I give Notice that I shall repeat the Question some time next Session.

**MERCANTILE MARINE—LIFEBOAT FOR DUNGENESS.—QUESTION.**

Mr. KNATCHBULL - HUGESSEN asked the President of the Board of Trade, Whether, considering the recent fatal collision between the "Hankow" and the "Millbanke" off Dungeness, and the great loss of life constantly occurring in the channel, he is prepared to station a life ship at Dungeness point, and to provide a landing place on that point?

SIR CHARLES ADDERLEY: The stationing of lifeboats on the coasts of the United Kingdom is not one of the duties of the Board of Trade, but is, for the most part, managed by the Royal National Lifeboat Institution. The Board of Trade station sets of rocket apparatus and provide belts and life-lines wherever these appear to be desirable. The places at which lifeboats, sets of rocket apparatus, and life-lines have been provided in the neighbourhood of Dungeness will be seen in a statement which the right hon. Gentleman shall have communicated to him. Last year, a company obtained an Act for the purpose of constructing, among other works, a pier and landing-place at Dungeness.

**ARMY—SHEERNESS BARRACKS. QUESTION.**

Mr. DUNBAR (for Captain NOLAN) asked the Secretary of State for War, How many men under one year's service have occupied the Sheerness Barracks since the 1st of January 1874, and what has been the percentage of fever and ague amongst them?

Mr. GATHORNE HARDY, in reply, said, that since January last 218 soldiers had occupied Sheerness Barracks, and that of those 20 had been received into the hospital for ague, and 26 for other kinds of fevers.

**THE LABOUR LAWS.—QUESTION.**

SIR WILLIAM FRASER asked the Secretary of State for the Home De-

partment, Whether Her Majesty's Government will bring in a measure on receiving the Report of the Royal Commission on the Labour Laws now sitting?

MR. ASSHETON CROSS, in reply, said, it was the intention of the Government early next Session to bring in a measure dealing with the subject into which the Royal Commission on the Labour Laws had inquired.

#### POST OFFICE—MAILS TO THE NORTH OF SCOTLAND.—QUESTION.

MR. PENDER asked the Postmaster General, If his attention has been called to the inconvenience arising from the delay in the Mail Service in the North of Scotland, and to the following: That as the Contract held by Mr. Croall of Edinburgh, for carrying the Mails to and from Caithness by a stage coach, which was contingent on the opening of the new Railway, expired on Friday, and as the Post Office department have not come to terms with the Railway Companies, the counties of Caithness and Sutherland are at present practically without Mail Service; that the Mails from Wick and Thurso for the South were despatched by train as goods parcels on Saturday in charge of a Mail Guard, who having failed to provide himself with a passenger ticket, was turned out of the train at the Kildonan Station, and left behind with the Mail bags; that the Mail bags for the North arrived at Bonar Bridge Station on Saturday by the passenger train, but as the weighing of the bags as goods before passing on the Sutherland line occupied some time, the train started before the operation was completed, and the letters for the two Northern Counties, and Orkney as well, had to be delayed there; that the hour for closing the Mail bags at Wick has, for some considerable time, been 10 p.m., but on Saturday last a notice was posted up in the window of the Post Office that the Mail bags would be closed at 7, p.m., and that there would be no further despatch until 4.40 a.m. on Monday; and, if so, these inconveniences being of daily occurrence, the Postmaster General is prepared to secure the regularity of the correspondence by ordering a train at fixed hours from Bonar Bridge to Wick and Thurso, as is now done on the whole distance from London to Bonar Bridge?

MR. W. H. SMITH, for the Postmaster General, said:—The attention of the Department has been drawn to the delays and irregularities in the service in the North of Scotland; the statements which have been made to the intention of the Post Office to treat these mails as goods parcels by rail are altogether incorrect. The Post Office has no such intention, but wishes to treat these mails in the manner strictly prescribed by law, and to pay the railway companies such an amount for these as may be settled by arbitration; if they prefer it, as may be fixed by Railway Commissioners. The law requires railway companies to carry the mails in the manner required without imposing any delay; but the directors thought proper to direct that the mails shall be taken out of the train, let the train go on while the bags are weighed. The protests of the Post Office have had no effect, and it has been necessary to forward the bags by rail until an amicable arrangement can be made with the companies, or steps can be taken for carrying out the provisions of the law. The Postmaster General is not prepared to order a train at fixed hours from Bonar Bridge to Wick and Thurso, as an efficient and regular service can be maintained by means of the existing passenger trains.

#### POOR LAW—PAUPER INDUSTRIAL SCHOOL DISTRICTS.—QUESTION.

MR. FAWCETT asked the President of the Local Government Board, If his intention to issue an Order under the several Metropolitan Pauper Industrial School Districts, and to form Metropolitan School District; and, if so, will he send to each Board of Guardians a copy of the Draft Order, and delay the issue of the same until after the assembling of Parliament?

MR. SCLATER-BOOTH: No draft Order exists as is alluded to in the Question, nor have I any present intention of issuing one. The suggestion that the metropolitan pauper schools should be united under one or more Boards of Management is under consideration; it is possible that it might be necessary to apply to Parliament for further powers before it could be carried into effect, but whether that be so or not, I

undertake to say that nothing will be done upon the subject during the Recess.

# **FISHERY ACTS—THE RIVER TWEED.** QUESTION.

SIR GEORGE DOUGLAS asked the Secretary of State for the Home Department, Whether it is the intention of the Government to make any inquiry into the operation of the Fisheries Acts applying to the River Tweed and its tributaries; and, if so, when and in what form?

MR. ASSHETON CROSS, in reply, said, it was the intention to cause an inquiry to be made as to the operation of the Fisheries Acts on the River Tweed, but it had not yet been decided whether it would be by Committee next Session or by investigation on the spot.

## **PUBLIC WORSHIP REGULATION BILL. [*Lords.*]**

### **CONSIDERATION OF LORDS' REASONS.**

Lords Reasons for disagreeing to certain of the Commons Amendments to the Public Worship Regulation Bill *considered.*

Disagreement of the Lords to the Proviso inserted by the Commons in page 5, line 20 read, as follows:—

"Because the Bishop by his superior local knowledge is more competent to judge of the expediency of permitting or prohibiting the institution of any suit than the archbishop. Because it is most desirable that an opportunity should be afforded of amicable conference between the bishop, the incumbent, and complainants which the proposed Amendments would have rendered difficult. Because it is important to ascertain intact the independent rights of the bishop as the originator of any proceeding against clerks in his own diocese."

MR. RUSSELL GURNEY said, there was another Amendment of the Commons which the Lords had rejected, to which he would first refer—namely, that relating to the chapels of the Colleges in the Universities. The Bill, as it came originally from the Lords, exempted those and other chapels from the operation of the Act, but the Commons brought them all under it. The Lords had now altered the Amendments of the Commons, but had not specially exempted the chapels from the Act. He had felt a doubt whether many of the chapels could be properly brought under the Act, and whether they could pro-

vide machinery for the purpose of its operation, and under all the circumstances, he would advise that the Lords' Amendment in that respect should be agreed to. But as to the Amendment made in the 9th section in reference to the appeal from a Bishop to the Archbishop, that involved a far more serious question. The Bill, as it came down from the Lords, did not contain the Proviso. It was inserted on a division, by a large majority, on the Motion of his hon. Friend the Member for North-East Lancashire (Mr. Holt). It was afterwards opposed on the Report, and the Motion for its rejection was moved by the right hon. Gentleman the Member for Greenwich, and that Motion was supported by the Secretary of State for War, who had not been one of the most earnest or steadfast supporters of the Bill. Under those disadvantageous circumstances a division occurred, and the clause was maintained by a decreased, but still a considerable, majority, after full debate. He was aware it had been stated by the right hon. Gentleman the Member for Greenwich as his opinion, that if, according to the Forms of the House the matter could be discussed again, the majority would still further decrease, if, indeed, it did not altogether disappear; but he (Mr. Russell Gurney), having at least as good an opportunity of ascertaining the feelings of hon. Members of the House, had no hesitation in stating his belief that, contrary to the opinion of the right hon. Gentleman, the majority would have been very materially increased. As he had said, the Amendment was carried, first of all, by a large majority in the Committee, and that decision was confirmed by a substantial majority at a later period; but it had now been rejected in the other House by a majority of 12. The number of 12, no doubt, in itself seemed small, but when it was considered that fewer than 80 Members were present, it became an important majority, and one that ought fairly to be considered by that House. At the same time, it would not of itself be a sufficient reason for the House of Commons departing from the conclusion at which it had arrived, and he could not say that any additional weight had been given to the numbers by the arguments which were adduced. Among those reasons were two which had been considered in the

House of Commons very fully. The second reason assigned was that—

"it is most desirable that an opportunity should be afforded of amicable conference between the bishop, the incumbent, and complainants, which the proposed Amendment would have rendered difficult."

Well, the only case in which the appeal could arise was, when the Bishop had refused to entertain an application, and, under those circumstances, the amicable conference which was suggested could not by any possibility be held. He did not know whether he ought to refer to any reasons which had been urged "elsewhere," but which did not appear on the face of the printed Paper, but he certainly did not think any additional weight was given to the decision of the Lords by any of those arguments. For example, he did not think the House would attach much importance to the argument founded on the *jus divinum* of the Bishops. It was not by the *jus divinum* that the rights and authority of Bishops in this country had been determined, but by the Common Law and the Statute Law. Besides, the veto proposed to be given to the Bishop was not given to him in his character of Bishop. It was a peculiar authority conferred by Parliament; and the Parliament which gave the power could also control it within such limits as it thought fit. Therefore, in regard to the course he was now taking, he could not rest it on the great weight of the majority in the House of Lords, nor on the weight due to the arguments upon which that majority had acted. But he had other matters to consider in this case. He saw no reason whatever for altering the opinions he had formerly expressed, and which had been confirmed by a majority of that House; but at that period of the Session he had to consider what appeared to him to be the most advisable course to pursue. They were now within three days of the Prorogation, and a large number of hon. Members had quitted town. No one, in fact, could hope to see any increase in the number of hon. Gentlemen who were at present in attendance. He had not been able to see any middle course by which the difference between the two Houses was likely to be accommodated, and, consequently, the appeal in its present shape must be either maintained or abandoned. He saw no reason to suppose that if

that House insisted on the continuance of the appeal, there would be any yielding on the part of the House of Lords, even supposing there was time for a conference, and therefore the question arose whether the Bill was or was not to be lost. In the course he was about to pursue, he was to a certain extent influenced by the fact that he undertook the charge of the Bill when the Proviso was not in it. He had recommended the Bill to the adoption of the House without the clause, and he could not therefore, contend that it was of important. On both occasions when he addressed the House on it, he said he should individually be content if the Bill had passed without it, although he thought it would materially improve the measure; therefore, he was not prepared to advise the House to take any course by which the Bill would be for that Session lost. He knew, however, there were many hon. Members who would think it no great calamity if the Bill were lost, and in saying so, he referred to some of those by whom the Bill had been steadily supported, but who entertained a strong feeling that the only effect of the rejection of the Bill that Session, would be the introduction of a better and a stronger Bill next year. However, he was not prepared to encounter the necessary preliminaries of obtaining a stronger Bill, for he was not prepared to advise the House to take a course which might lead to a fearful agitation. Such an agitation he dreaded, because he believed it would be most mischievous to the Church, and injurious to the best interests of the country. Therefore, he was obliged to suggest the course which in his judgment, it would be most advisable to adopt, and he could not help suggesting, as the right course, that the Amendments of the House of Lords should be accepted. He confessed he made the suggestion with considerable pain, as he believed the most important improvement of the Bill would be thereby lost; and beyond that, he was sorry also, because he knew that course would cause serious and great disappointment and grief to a very large body out-of-doors, who regarded the proceedings of the House with immense interest, and who had already looked with considerable jealousy on the powers placed in the hands of the Bishop, and the veto he was al-



allowed to exercise. That jealousy, moreover, was not likely to be diminished by the spirit in which the Bishops had objected to any control over them. Personally, he was pained also, because he knew he was advising a large body of Friends around him who had throughout these proceedings, given to him a steady and generous support, to take a course which they believed to be an unfortunate one, and one contrary alike to their expressed feelings and their settled convictions. Nevertheless, feeling that he occupied a position of great responsibility, he deemed it his duty to advise the House in the best interests of the Church and the country to accept their Lordships' Amendments, and he should therefore make a Motion to that effect.

Motion made, and Question proposed, "That this House doth not insist upon their Amendments, to which the Lords have disagreed; and doth agree to the Lords' Amendments to the Commons' Amendments to the Bill."—(*Mr. Russell Gurney*).

SIR WILLIAM HARCOURT: We are placed, beyond doubt, in a situation of grave embarrassment by the course which the House of Lords has pursued; but it does not belong to the office of any private Member to vindicate the independence and dignity of this House. We have among us a man to whom the task belongs, and who is adequate to its fulfilment. We have a Leader of this House who is proud of the House of Commons, and of whom the House of Commons is proud. Well may the Prime Minister be proud of the House of Commons, for it was the scene of his early triumphs, and it is still the arena of his later and well-earned glory. Although we differ in political principles, we all recognize that he has ever maintained that dignified decency which contributes so much to the well-regulated conduct of public affairs; and therefore it is that the right hon. Gentleman is not more admired for his talents than he is respected for his behaviour in the conduct of the business of this the first Assembly of Gentlemen in the World. It may be necessary that the House of Commons should look to the right hon. Gentleman to-day to vindicate its honour and its dignity. If there be any one—I will not say who—who should any-

where—I will not say where or when—have designated the deliberately expressed opinion of the House of Commons as "bluster," and the voice of its majority as a "bugbear," the right hon. Gentleman will not forget that it is by virtue of that blustering majority he is Prime Minister of England. ["No, no!"] Well, I will leave out the adjective, and merely say he owes his high position to that majority. No one can deny that it is in virtue of that majority that he fills the office which he so worthily occupies. If there be any man who is forgetful of that high responsibility which belongs to the character of an English Minister, it will not be the right hon. Gentleman the First Lord of the Treasury. He has always known what belongs to that moderation—I will add to that good breeding—in the treatment of political adversaries which is alike the characteristic of English gentlemen and of English statesmen, and we may well leave the vindication of the reputation of this famous Assembly to one who will well know how to defend its credit and its dignity against the ill-advised railing of a rash and rancorous tongue, even though it be the tongue of a Cabinet Minister, a Secretary of State, and a Colleague. At all events, let us have sufficient self-respect not to imitate such an example. Let us not condescend to exchange impertinences with the House of Lords. We had enough and somewhat too much of that in the last Parliament, and I will venture to say that hon. Gentlemen who were Members of that Parliament will, at all events, do me the justice of admitting that I always protested against it. I have always regarded the House of Lords as an important, and I believe a necessary, element in the constitution of this country. Therefore, I have never been a party to discrediting by offensive language a body which, as I conceive, has a weighty and a responsible function to perform. Though I hold other and, as I think, sounder views on the subject of the Royal Supremacy than those entertained by the Secretary of State for War, I should not recommend even him to carry this measure into effect by a Royal Warrant. [*Laughter.*] Let us deal with a serious matter and a serious situation seriously. Speaking in this House, we ought not to talk like angry schoolboys, but like English politicians

and English gentlemen. But while we will not embark on a career of mutual vituperation with Members of the other House, we have a right to examine the nature of a majority which claims to overrule the will of a majority almost exactly double the majority in the House of Lords, and also the arguments by which that majority of the House of Lords has defended its conclusions. Who are the first and the most conspicuous elements of that majority? They are, necessarily, the Bishops. Well, one looks with interest to know what part the Bench of Bishops as a whole have taken upon this subject—a subject which we are told involves the law of the Church of Christendom. I think that, exclusive of the two Archbishops, there are 25 Bishops of the Church of England, of whom only one-third voted against the Proviso. But new canons of criticism have been recently applied to political majorities. They are to be tested, not by their numbers, but by their ages. Well, I take it, it is not the years which appear on the baptismal registers of inexperienced legislators, but the time during which they have occupied seats in Parliament. I am afraid that if the one-third of the Bench of Bishops is to be estimated by its Parliamentary nonage, it would weigh very lightly in the scale. Lately I made a remark, which I am sorry to find has given some displeasure to the right hon. Gentleman the Member for Greenwich, with reference to the Bishops appointed in the last five years. But estimating these Bishops by their Parliamentary age, I find that by far the larger number of them who voted against the Proviso were Bishops appointed in the last five years, and, consequently, were the youngest Bishops upon the Bench. There is a saying attributed to Lord Melbourne which vorges on profanity, and which, therefore, ought not to be repeated in this House. It shows, however, that Lord Melbourne imputed ingratitude to gentlemen of this class. [Mr. Horsman: It was Sir Robert Walpole.] Well, the right hon. Gentleman may correct the authorship, especially as I am not going to quote it. I think what occurred last night ought to discharge the Bishops altogether from the imputation of ingratitude, for any body of men more loyal or more ready to respond to the Whip, it would be impossible, I

think, to conceive. The other elements of that majority are remarkable. I looked to see what were the parts which the Cabinet of the late Liberal Administration took upon the question which so deeply interests the country and which, I believe, is destined greatly to affect its future. I found they were to my right hon. Friend the Member for Greenwich the conspicuous adherents of their absence. There was no more money on the Opposition Bench in the House of Lords than there is on the Opposition Bench in the House of Commons with regard to a question which stirs the heart of England. Lord Borne, Lord Granville, Lord Kimberline, Lord Cardwell, and Lord Aberdare were absent. I had almost forgotten that there was a former High Church ex-Chancellor who, I think, took an active part in defeating the proposal of the House of Commons. But when I look at the more important Bench occupied by Majesty's Government, what do I find the conduct of its occupants in regard to a measure for which we were told on a very conspicuous occasion the Government are morally responsible? If Majesty's Government are morally responsible for the measure, I venture to think that a large majority in the House of Commons are morally irresponsible for preferring to use that phrase rather than put the negative the other way. I find the Foreign Secretary, the President of the Council, and the Lord Chancellor, a Conservative Government recommending that this Amendment of the House of Commons should, in substance, in form, be accepted. The right hon. Gentleman talked the other day, I think, and learned Friend of mine has spoken with violent good nature. There is such a thing as violence with good nature. This Amendment has been defeated in the House of Lords by a small majority led by the noble Secretary of State for India, to whom I will apply at least one of the words—followed by half a dozen Rotten-borough Lords in Waiting, combined with Bishops. Thus, in the House of Lords which consists altogether of some like 500 Members, there were four persons to defeat the opinion of upwards of 120 Members of the House of Commons. Well, it is not to the few numbers, it is not even to the few ages, that we must defer—for Lord

nowby is not a boy—at least, if he is, my noble Friend opposite will correct me—and his Lordship, who is respected for his attachment to the Church of England, expressed his sentiments in favour of our proposal. With regard to the majority of 23 in this House, we were told that 12 Members would be sensible enough to change their mind; but my right hon. and learned Friend the Recorder says it is vain to suppose that six Members of the House of Lords will be sensible enough to change their minds. He may be right in his estimate of our relative good sense. If the numbers were feeble, what are we to say of the arguments upon this Paper of Reasons? I will call attention to one of the arguments which has been put on record by the House of Lords, and which I will prove to be contrary to the laws of England, and therefore to the laws of the Church. The other night, I referred to the argument on this point. It is to the effect that it is important to maintain intact the independent rights of Bishops as the originators of any proceedings against clerks in their own dioceses. I referred to the argument of my right hon. Friend the Member for Greenwich the other night. It has been enforced by a right rev. Prelate, who has, I think, expressed very much the same ideas, but, perhaps, in less discreet language. The Bishop of Winchester has insisted on the Divine right of Bishops. Indeed, he demanded that we should accept that proposition rather as an axiom than as a postulate. Well, in my opinion, the Divine authority of Bishops is in the estimation—and justly in the estimation—of this country in the same situation as the Divine right of Kings. To assert that the jurisdiction of Bishops is not *jure humano*, but *jure divino*, and to hear the authority of Lord Holt quoted in support of such a proposition, is enough to make one think that the axis of the world is turned back, and that we are living again in the Middle Ages. Jurisdiction is not Divine. Jurisdiction is essentially human, for I have never yet heard of any Bishop, whether by Divine right or not, who enforced his behests by a *posse comitatus* of angels. He has recourse to the civil power to enforce his jurisdiction, and therefore I advise him to regard his jurisdiction, if he wishesto have any effect at all, as human. In whatever light Bishops may regard themselves—

and that is a matter on which they must exercise their own discretion—Parliament regards them as overseers of a Church which has been established by the State, and which is subject to the laws of the State. They are recommended to the Crown by the Prime Minister, who is elected by the House of Commons. They are nominated by a *Congé d'élire*, which issues from the Crown, and which is an imperative mandate. They hold their offices on terms prescribed by Parliament and by the State. It is not by Divine right that an eminent clergyman, however excellent and however learned he may be, occupies Farnham Palace or a fine house in St. James's Square. It is not by Divine right that a Prelate has £8,000 a-year secured by Act of Parliament. It is not by Divine right that the Bishops sit in the House of Lords. They sit there, as we all know, by barony, and a barony is not of Divine right. But then there is the argument of my right hon. Friend the Member for Greenwich; and if I trespass on the attention of the House, I must ask them to consider the great importance of the question, because if you allow the Bishops to repudiate what I believe to be the fundamental authority of the Archbishops in this country, you shake the whole discipline of the Church. You are allowing the Bishops themselves to set that example of lawlessness which it is the object of this Bill to prevent. In order that I may not misrepresent my right hon. Friend the Member for Greenwich, I will read two or three sentences which I believe correctly convey his argument. It was as follows:—"It seemed to have been supposed by the hon. Member who made that proposal, that whenever there was a convenience or supposed convenience in putting the Bishop out of the government of his diocese and putting the Archbishop into the government of it, that might be done. That, however, all the law of Christendom had always forbidden." He went on to say that was the principle of the Reformation. "The Canon Law and the Statute Law both proceeded on precisely the principle which he had laid down." This, I am firmly convinced, is only one of the first of that series of Clergy Mutiny Acts to which my hon. Friend the Member for Carlisle (Sir Wilfrid Lawson) alluded the other day, and it will be remembered that the

Mutiny Acts are annual statutes. It is of great importance, therefore, that we should not, in this House, accept in silence and with apparent acquiescence, doctrines which, in my opinion, are fundamentally contrary to the law and constitution of this country in Church and State. I am speaking in the presence of the Law Officers of the Crown, and of my right hon. and learned Friend the Attorney General for Ireland, who is thoroughly conversant with these questions. Now, I ask their attention to the statement I am about to make, and I will take care that it is clear and unambiguous. If, the other night, I was taken rather by surprise by hearing the authority of Van Espen cited, and if I spoke somewhat rudely of any Canonist or casuist, I can only plead in self-defence a long and inveterate ignorance of the Canon Law and of the writings of Canonists. As *Blackstone* says—"Laymen"—by whom he means the common lawyers—"make no scruple to profess contempt, and even their ignorance, of it in the most public manner." In *Blackstone's Commentaries*, the right hon. Gentleman may find, in good Norman French, language more depreciatory than any I shall use on the subject of the Canon Law. Here is another citation from *Blackstone*—

"For their ecclesiastical tribunals (which are principally guided by the rules of the Imperial and Canon Laws as they subsist and are admitted in England, by no right of their own, but upon bare sufferance and toleration from the municipal laws) must have recourse to the laws of that country wherein they are adopted to be informed how far their jurisdiction extends, or what causes are permitted and what forbidden to be discussed and drawn in question before them. It matters not, therefore, what the Pandects of Justinian or the Decretals of Gregory have ordained. They are here of no more intrinsic authority than the laws of Solon and Lycurgus, curious, perhaps, for their antiquity, respectable for their equity, and frequently of admirable use as illustrating a point of history. Nor is it at all material in what light other nations may consider this matter of jurisdiction. Every nation must and will abide by its own municipal laws, which various accidents combine to render different in every country of Europe."

I am not going to enter into any controversy with my right hon. Friend the Member for Greenwich on the subject of the Canon Law; but I am going to enter into a controversy with him on the subject of the law of England. If I felt disposed, however, to enter into a con-

troversy with him on the Canon Law should undertake to say that he misapprehended even that law, for I in an authority far higher in this country than Van Espen—namely, in *Aylmer's Parergon Juris Canonici Anglicani*—stated that—

"An Archbishop may, by virtue of his office, made to him, compel his Suffragan Bishops to the administration of justice, if he be so therein."

It is perfectly notorious that though the Canon Law, the Archbishop is obliged, in the first instance, to visit his own diocese, yet having done so might afterwards visit the dioceses of his Suffragans, whose authority he supersedes. I am not particularly conversant with the writings of Canonists as my studies have been in a different direction. They have gone in the direction of those writers who are more favourable to the Constitution of this country and to the Reformed Church of England. I take a very common authority—Burn's *Ecclesiastical Law*—and ask the House to compare what he says with the third reason assigned by the Lords. He says—

"The Archbishop hath two concurrent jurisdictions, one as Ordinary or Bishop in his diocese, the other as superintendent throughout his whole province of all ecclesiastical causes, to correct and supply the defects of Bishops."

I am now going to state the Common Law of England as against any assertion of the Canon Law, and no more dispute that if the Common Law of England is different from the Canon Law, the Common Law is supreme. In the first year of the reign of James I. Chief Justice Jones delivered the unanimous judgment of the Court of Common Pleas, and their reason was—

"That in all these cases of the clergy the Archbishop had two concurrent jurisdictions, the one ordinary with the Bishop in his diocese, the other superintendent throughout his province of things ecclesiastical, to correct and to supply the defects of the Ordinary."

I will now give you the authority of another man—perhaps the greatest of the Common Lawyers of England—I mean Lord Chief Justice Holt. This is the language of a judgment delivered by him in 11 William III. said—

"That by the Common Law the Archbishop hath a metropolitical jurisdiction, and the

pe are over Bishops, as well as Bishops are other clergy; but his power was usurped and diminished by the Pope, but restored in extent at Common Law by the statute of 18th VIII. That by allowing his power to all is admitted."

now I come to a passage which has strangely misunderstood by a right Prelate who seemed to know as much about law as I do about theology. It is the passage he refers to as proved from Lord Chief Justice Holt that the right of Bishops—

though there may be a co-ordination amongst Bishops *jure divino*, yet there is a subordination *ecclesiastico qua humano*, not of necessity but for convenience. The power of an Archbishop was very great here in England formerly, and he had the same jurisdiction of supremacy as the Patriarch of Constantinople. The Pope used to call him *alterius orbis Papam*, and he exercised the same jurisdiction with him. Afterwards, in the reigns of Henry I. and Henry II., the Pope usurped the authority of the Archbishop, in exchange for which they became *papal nati* of the Pope. But at this day, by the act of Henry VIII. this jurisdiction is ended. And to question the authority of the Archbishop is to question the very foundation of government."

My right hon. Friend required no assistance in Canon Law; but he will perceive that he required some assistance in the Common Law, as he cited a statute of 18th VIII. as proving that the Archbishop had not that authority. Why, in the very statute he quoted, the Archbishop is restrained in certain cases from exercising authority out of their dioceses, but in certain other cases, it is expressly stated that they shall have authority. [Mr. GLADSTONE: And I did it.] What are these cases? There are several. "In case that the Bishop of a diocese or other immediate Judge Ordinary dare not or will not convene a party to be sued before him," then the Archbishop has jurisdiction. Well, that is the law in this case; but what has been the practice of the Church of England? The first Archbishop—an Archbishop not loved by the Ritualists, but, by metropolitical right, made a visitation of all the dioceses of his Suffragan was Cranmer. That was, according to Strype's Memorials, in the first of the Reformation in England; and for that he got the King's licence to countenance his doings, as it is well known what opposition he had to meet with. "The main end of it," we are told, "was to promote the King's supremacy, and as opportu-

nity served to correct the superstitions of this Church and inspect the Bishops and people themselves." Cranmer was opposed by the Bishop of Winchester of that day, and on precisely the same grounds as the authority of the Archbishops was repudiated last night by the apostolical successor of Gardiner. But if I had not some sense of shame, and did not wish to delay the House, I could carry you through the series of metropolitical visitations made throughout the whole period of the Reformation, in which Parker and his successors went through every diocese of his Province, and in which his first act was to inhibit the Bishop from any action at all, and to suspend him completely, assuming to himself the whole ecclesiastical authority. I could take you through the great names of Parker, Whitgift, Grindal, and another whom the right hon. Member for Greenwich will accept as better than any other—Archbishop Laud. The Dean and Chapter of St. Paul's repudiated his authority, and said that an Archbishop had no right to enter the diocese of a Bishop. But what was his answer? He told them that he was resolved that no place on grounds of privilege should be exempt from archiepiscopal visitation, and particularly that Church of St. Paul, because they could show, from no act in any of their registries, that the Archbishop did not visit their church at the same time as he visited their diocese. I will not weary the House with the series of decisions and precedents which make the law of the Church of England. But I will refer, in the presence of my right hon. and learned Friend the Attorney General for Ireland, to precedents which come down nearly to our own time, and I will ask him, whether it is not the fact that those metropolitical visitations have been, down to the time of the disestablishment of the Irish Church, carried on by the Irish Archbishops in every diocese of the Provinces of Ireland? My right hon. Friend the Member for Greenwich abolished the Established Church in Ireland, and no one could respect it more at the time he abolished it; and he will not say that the Canonical Law of that Church was inconsistent with the law of England. I conclude this argument against the claim set up in this Amendment of the Lords, by saying that it is against the Common Law as stated by Lord Coke,

against the Statute Law as laid down in the Act of Henry VIII., and against the universal practice of the Church of England from the time of the Reformation down to this day. And I ask again the right hon. and learned Gentleman the Attorney General for Ireland, whether the first act in these Irish visitations was not to inhibit the Bishop from all action whatever, the Archbishop assuming the whole of that authority which previously existed in the Bishop? In the licensing of curates, in the matter of residence, in pluralities, matters most eminently within the knowledge of the Bishops, an appeal has been always given to the Archbishop. These seem to be conclusive reasons against the arguments alleged by the House of Lords for this Amendment. I know they will not satisfy my right hon. Friend (Mr. Gladstone), because he holds an entirely different view with respect to the law of the Church. In that pamphlet upon the Royal Supremacy which has been quoted in this House, and which was re-published by my right hon. Friend within the last few years, when he was a Minister of the Crown, and, I believe, Leader of the House of Commons, he laid down a totally different doctrine with regard to Courts of Appeal of all descriptions. He said Courts of Appeal not composed of ecclesiastical persons. [Mr. GLADSTONE: Ecclesiastical Judges.] That is not the material point. I want to refer to the authority which has the right to appoint the Judges. My right hon. Friend says that "Courts appointed by Parliamentary majorities, and assented to by the Sovereign on the advice of Ministers whom those majorities had constrained him to accept, the Church of England knows nothing of." If that is sound doctrine, it is perfectly idle for Parliament to occupy itself with the discipline of the Church. I venture to say that if the Constitution of this country is to be maintained, if the Church is to be maintained, the Church must know something of the Courts appointed by Parliamentary majorities, and assented to by the Sovereign on the advice of Ministers whom those majorities have constrained him to accept. The doctrine of my right hon. Friend may be the true doctrine; of that he is a better judge than I am; but it is not to be found in the Constitution of England or of the Church of England. It is not the doc-

trine which belongs to the traditions of that great historical Whig Party which has taken so illustrious a share in the framing of that Constitution. But then, in the presence of this situation and of the reason alleged for this decision of the House of Lords, what are we to do? In the presence of this stable majority of the House of Lords, supported by still feeble arguments, are we to yield submissively against a better and deliberate judgment? My right hon. and learned Friend the Recorder thinks we have no other alternative, and the conduct of the measure this year is in his hands, and I am sure we have all occasion to thank him for the judgment and temper with which he has performed his task. I could, if he had thought it wise and prudent, ask this House to stand by the decision of the majority of the House of Commons as a reasonable and firm, and therefore not a "blustering majority," if he thought there had been time for a conference with the other House, to endeavour to settle the question, and remove the strange and unconstitutional ideas upon which the reasons of Lords are founded, I should have gladly supported him. But he has determined otherwise; and, certainly, I shall think of setting my opinion against this is not, and has never been a strong Bill, and, I fear, Parliament hereafter be convicted of the unmanlike policy of passing a small measure on a great subject. This matter I do not say this Bill—is far the last business which has occupied Parliament or the public mind in my life-time. I cannot hustle it out at the fag-end Session which can hardly be called glorious one. I always believed this Bill would break down upon discretion of the Bishop, and I believe now more than ever that it will fall down upon that point. You have weakened it, or rather the House of Lords have weakened it, in its weakest point, and the result is, that you will have to begin the work over again, under circumstances most disadvantageous to the Church, because you will begin it with a discredited bench of Bishops. These are only the opinions of a private and independent Member of Parliament. The result—I will not say of the bill but of this great question—is in different hands—it depends upon

policy of the First Minister of the Queen. The right hon. Gentleman opposite is Prime Minister, because he has long had the sagacity to divine the sentiments of the English people. And if he would accept a word of counsel from a humble Member of this House, I would advise him not to stand upon a broken reed; I would adjure him not to let himself be embarrassed and dismayed by the distracting counsels of a divided Cabinet. It is not they who have made him Minister; it is he who has placed them there. I hope the right hon. Gentleman will throw himself upon the courage of his convictions and on the mighty support of the public opinion of a Protestant people. He has the wisdom to gauge, and not to undervalue, the dimensions of a work which are only just beginning. He has seen that not England alone, but all Europe is divided into two camps, and that the camp on the one side is that of Ultramontaniam and Sacerdotalism; on the other, that of Freedom and of the Reformation. If any man in this House thinks the Bill of little value, because it is a wretched and weak instrument to accomplish its object, I would say that the value of the Bill depends upon the singular uprising of the public mind of this nation to which it has given rise, and that public opinion cannot be defeated by a majority of 12 in the House of Lords. It is not to be reversed by half-a-dozen High Church Bishops or a dozen Ritualistic Lords in Waiting. The right hon. Gentleman the Prime Minister has proclaimed his intention to vindicate in the Church of England the broad platform of the Reformation. Depend upon it, as long as he pursues that policy without flinching, he will find support in quarters where he least expects it. He will find he has with him the great majority of the House of Commons, without distinction of party, for I hope the House of Commons will always represent the overwhelming sense of the English nation. But let not the right hon. Gentleman deceive himself. This Bill will not restore the principles of the Reformation in the English Church. This Bill will not "put down Ritualism;" it is only the beginning of the work. The right hon. Gentleman has put his hand to the plough and he cannot turn back. I remember that Mr. Cobden, in the great struggle for Free Trade, said,

it was a question "that would dislocate many parties and destroy many Governments," and this is a greater question than the question of Free Trade. I believe the Prime Minister is sincerely desirous, as I am in a much humbler station, to preserve the present institutions of the Church of England. But I am firmly convinced—and I believe the majority of this country are firmly convinced—that the Church of England can only be saved by Protestantizing that Church. And if that be so, there is only one power that can Protestantize the Church; and it is that power which originally made it Protestant—I mean the power of the State. The instinct of Sacerdotalism has never been on the side of the Reformation, and it never will be, because the reformation of religion does not minister to the pride or the power of the priesthood. In my opinion this is one of those occasions which seldom recur. It is one of those conjunctions which determine the fate of Ministries and the reputation of statesmen. There are occasions—and this is one of them—which test the sagacity, the firmness, and the foresight of those whose high dignity and whose deep responsibility it is to guide the destinies of an Imperial State. I believe it is upon the decision which we take on this matter in the present year, and in those which are to come, that the fate of the Church, and, to a great degree, the fate of the Constitution of this country depend. I know that this Amendment has been rejected by a combination of those who do not desire, and do not intend that this Bill shall work. I am deeply impressed by the conviction that upon the working of this Bill, or upon those measures which must inevitably succeed it, will depend the future fate of the Church. I believe that the Minister may, if he likes, yet save the Church. It may not yet be too late; but I also am firmly convinced that if the Church of England is to be saved, it can only be by satisfying the nation.

MR. DISRAELI: Mr. Speaker, I agree with the hon. and learned Gentleman who has just concluded, that this is one of the gravest questions that have ever been brought before Parliament—at least, in my experience. My right hon. and learned Friend, the Recorder, has told us, in moving that the Amendment of the Lords should be accepted by

this House, that upon our decision depends, in his opinion, the fate of the Bill. What is this Bill, and what does it ask? I have endeavoured before to describe it as a Bill to put down Ritualism, and some have excepted to that description. I am here to repeat it, because I believe it is a true and accurate description of its purpose. We have been asked, "What is Ritualism?" I think the answer to that question is clear and short. I mean by Ritualism the practice by a certain portion of the clergy of the Church of England of ceremonies, which they, themselves, confess are symbolical of doctrine which they are pledged by every solemn compact which can bind men to their Sovereign and their country to denounce and repudiate. And of all the false pretences of this body of men, there is, in my opinion, none more glaring and pernicious than their pretending that they are a portion of the High Church party of the Church of England. The most eminent vindicators of that Protestantism which they denounce may be found among authors who profess High Church opinions. The most able vindicators of Protestantism and the most able opponents of the Church of Rome are to be found among divines of High Church principles. In the most critical period of the Church of England, and I may add also of our public liberties in general, when the Bishops were sent to the Tower, the majority of those Bishops were Bishops of High Church principles. Well, then, I say that this Bill, the purpose of which is to put an end to and put down this small but pernicious sect is one which we ought not to forfeit without due and without grave consideration. There is also another reason why, at this time, I am most anxious that the House should not take a false step in this particular. I have hinted it before, but I will now express it with more clearness. My conviction is, that however tranquil may be the general state of Europe—and, indeed, with the exception of one unhappy country, it is a state of general tranquillity—there are agencies at work in it at this moment, which are preparing a period of great disturbance. The disturbance may not occur in my time, or while I am standing on this side the Table; but I am glad to know that on both sides of the House there is a rising generation of statesmen

who will be competent to cope with it, and I only wish to impress upon the conviction, that that great task is one which they cannot avoid, and to which trust they will be equal. Well, then, with those views, I have to consider the nature of this Bill, the fate of which depends upon our decision to-day upon the Amendment. It may be very well called it a small Bill, and to promise that if it be defeated, a large Bill may be introduced. What I feel is, that if the opposition it has had to encounter is an efficient Bill, that it is a Bill which will probably effect its purpose; that, at any rate, it is a Bill which, through great difficulties and after vicissitudes, has received the concurrence of Parliament, and has the wide approbation of the people of England. Therefore, I should feel utmost hesitation before I could myself to counsel the House to take a step which would imperil this Bill coming law. I know that there are many hon. Gentlemen in this House, having voted for the provision which we agree to this Amendment, will be disappointed, may feel that there is inconsistency, if they are called upon to take a step apparently opposed to the original course. If there be any inconsistency in that conduct, of which I am sure the hon. Member may be ashamed, I at least share the situation, and am prepared, if necessary, to share the rebuke. I was a supporter of the Motion of the hon. Gentleman the Member for North-East Lancashire (Mr. Holroyd) who approved of that Motion; I regret that it is to be defeated; I believe that what was proposed would have been a very salutary provision. But I cannot say that when the Bill first came down to the House, that provision was not contained in it, and I have to ask myself now if I prepared to forfeit all that has been accomplished in this Bill, in order to indulge in what practically would be an empty protest against the will of the majority in the other House of Parliament? Sir, I cannot but feel that any hon. Member who takes that course will incur a great and grave responsibility. The hon. and learned Gentleman who has just addressed us has shown the materials of the majority in the House of Lords. I do not think it a convenient or a wise course to take in Parliament. Measures of great



portance, upon which practically the liberties of England depended, have been passed with a bare majority in this House in old times. And if once we indulge in that habit of scrutinizing the materials of a majority, we may fall into a position always to be deprecated—namely, lowering the influence and authority of the majority in the settlement of our political disputes—a principle to which I think we owe much of our good government and order. I am content, therefore, to recognize that a majority of the House of Lords has decided against the opinion of the House of Commons. I regret that decision; but I must respect the independence of the other House, and I cannot for a moment assert or maintain that they have not exercised their rights, Privileges, and Prerogatives in the course which they have pursued, and in the resolution at which they have arrived. Well, then, we have to consider whether the circumstances under which the Proviso was carried in this House should entirely outweigh the circumstances under which it was rejected in the other, to a degree so influential that we ought to assert the opinion of the House of Commons in consequence, and I dissent from the inference that we ought to assert that such is the case. I say I cannot find at all that those circumstances exist. I voted in favour of the Proviso, which was supported by a large majority. The question was, however, carried to a second discussion, where the majority was certainly much reduced. Again, the right hon. and learned Gentleman the Recorder tells us that he feels confident the original proposition would have been maintained by considerable numbers, if he had pressed that course; but I feel there has been nothing in the debates or in the circumstances attending the divisions in either House which should prevent us from taking a calm and judicial consideration of the case, and that consideration would, I think, lead us to the conclusion that both Houses have legitimately asserted their Privileges. And therefore the question would really end in this—whether, if we choose to assert the opinion which I conclude the majority of the Members of this House has not relinquished, we are prepared at the same time to forfeit the measure in which we are now so deeply interested?

That is the sole question before the House. Sir, I am not prepared myself to take that course. I foresee that if this Bill does not pass into law, Parliament may be involved, and quickly involved, in discussions which may be most inconvenient to the public interests, and which will exercise a very deleterious effect upon the general legislation of the country. There is something in these questions of such commanding, such alarming, and such absorbing interest that a wise Parliament would never enter into them unless there was a deep necessity. They distract the public mind from the consideration of all those measures which are necessary for the advancement of the country and the progress of the population; and if it were only for that consideration, I should hesitate before counselling a step which might lead to such consequences. Were we, indeed, at an earlier period of the Session, when there was ample time to enter into a calm and dispassionate consideration with the other House of all the circumstances of the case, and of the reasons which have influenced both Houses of Parliament, I will not say that I should have counselled at once a course which offered no resistance to the resolution of the other House of Parliament; but I should have counselled it in the spirit of the Constitution, and not with any intention of brow-beating the other House of Parliament, but in order fairly to place before it the reasons which influenced us, and the views which we took on the general question. But, speaking candidly, I do not see any opportunity of that kind now, and I am convinced, looking at it with that practical experience which many years in Parliament have given me, that upon our decision to-day the fate of this measure really depends. Let us not for a moment be diverted from the course which we think, as wise and grave men, we ought to follow by any allusions to the spirit of any speech which may have been made in the course of the debates in the other House of Parliament. My noble Friend who has been referred to by the hon. and learned Gentleman who has just addressed us with so much ability, was long a Member of this House, and is well known to many of the Members even of this Parliament. He is not a man who measures his phrases. He is a great master of gibes, and

flouts, and jeers; but I do not suppose there is any one who is prejudiced against a Member of Parliament on account of such qualifications. My noble Friend knows the House of Commons well, and, perhaps, he is not superior to the consideration that by making a speech of that kind, and taunting respectable men like ourselves as being "a blustering majority," he probably might stimulate the *amour propre* of some individuals to take the very course which he wants, and to defeat the Bill. Now, I hope we shall not fall into that trap. I hope we shall show my noble Friend that we remember some of his manœuvres when he was a simple Member of this House, and that we are not to be taunted into taking a very indiscreet step, a step ruinous to all our own wishes and expectations, merely to show that we resent the contemptuous phrases of one of our Colleagues. I trust, therefore, that the House will consider this question not with reference to the elements of the majority of the House of Lords, nor with reference to some expressions in a particular speech which may have had the calculated intention of inducing hon. Members of this House to give a rash vote—a vote fatal to their own wishes—but, on the contrary, that they will keep before them completely the point at issue. The House of Lords has negatived a Proviso of ours which was not in the original Bill which they sent down. That, therefore, on the part of the Lords, is a most legitimate exercise of their rights. We have certainly an opportunity of rejecting the Amendment of the Lords; but in taking that course, we shall in all probability lose the result of all the labours of the last few months in which we are so much interested. I cannot bring myself to believe that the House of Commons will take a course so pernicious to the public interest, so disappointing to the people of this country, and so little conducive, in my opinion, to the reputation of this House, and the credit which it has always possessed in this country, as consisting generally of reasonable and sensible men. I therefore earnestly advise my Friends, so far as my advice is of any value—sympathizing, as I do, with the majority on this subject, having myself supported the hon. Member for North-east Lancashire from the beginning, entirely ap-

proving the Proviso which he brought forward, believing that the Bill would be much improved by its insertion; still, recollecting what has occurred, and acting under the conviction that if we do not accept this Amendment of the House of Lords, which has been arrived at most constitutionally, we shall lose this Bill, upon which, whatever may be the estimate of it by the hon. and learned Gentleman who has last spoken, I believe the heart of the people of England is now set—I say, I do most earnestly recommend my hon. Friends, as far as my voice can guide them, not to hesitate in the course which they will pursue, but to take a plain, straightforward, and determined course, and to act in a way which will satisfy the country and their own consciences by accepting the Amendment of the House of Lords.

MR. GLADSTONE: Sir, after the right hon. Gentleman has himself delivered an animated defence of his own Colleagues, it is not for me in any respect to criticize the quality and character of that defence. If, however, we are to indulge in that most vicious practice of discussing, on the consideration of Lords' Amendments, speeches made by individual Peers in "another place"—and I do not blame the right hon. Gentleman, for he could not help himself—though of that vicious practice the hon. and learned Gentleman the Member for the City of Oxford has given us to-day one of the most conspicuous and most objectionable examples I have ever known afforded, I am justified, in mitigation of judgment, in merely saying as much as this—deriving my information only from the most ordinary sources, I did not understand any noble Peer to have used the word "blustering majority"—if they were ever used at all, which I very much doubt, with reference to any decision of a majority of this House—and I did not understand anything whatever to be said in criticism of the conduct of that majority. I pass from that subject to make two or three remarks on the speech of the right hon. Gentleman who has just sat down. Perhaps it may be hardly in good taste for me to comment on the nature of the appeal which he has addressed to those who originally not only thought that legislation in this matter was justifiable, and who thought

the Bill before the House was an entirely unexceptionable mode of framing that legislation; but I may say in passing, the appeal appeared to me to be so forcible as not to admit of any answer, and it was addressed to us undoubtedly to the end of that peace which—though here I shall dreadfully scandalize the hon. and learned Member for Oxford in saying so—I think ought never to be forgotten in the course of these discussions. The right hon. Gentleman has also referred to general considerations of the greatest importance. He has referred in the first place to those grave events which may be hanging over Europe, involving a conflict of principle upon the subject dearest to the heart of man, and most important to his destiny. I agree with the right hon. Gentleman in the terms in which he has made that reference; it is the very gravity of those events, it is the very gravity of the issues that are raised by the claims of spiritual absolutism, which make it appear to me—an argument, I am afraid, in entire contradiction to that of the hon. and learned Member for Oxford—to be a matter of the highest importance that you should take care that you do not drive into the ranks of your adversary those who are really your friends; that when you come to the issue on this great subject, you should take care that the ground is well chosen for the subject; and that you should not waste and destroy your own strength by discharging your weapons at those who have really the same feelings as yourselves, and who are in the same service. The right hon. Gentleman goes on to denounce those who, as he says, have pledged themselves to support the doctrines of a particular religion, and who are endeavouring, by means of symbols and otherwise, to substitute for them other doctrines. So far as the substance of that statement is concerned, I cannot find any fault with it whatever; it is the very essence of it I have endeavoured to express in one of the Resolutions about which at one time much was said, although their life as a Parliamentary document was short. I own I am sorry, in listening to the right hon. Gentleman, to hear him adopt the language of warm and even hot denunciation. I know very well that language is by far best suited to the temper of many who engage in these ecclesiastical controversies, and that other

language appears to them stale, flat, and unprofitable. I, however, must confess I distrust all language except that which is strictly measured upon such a subject. I heard plenty of similar language in 1851, and I saw what it all came to in the result. I venture to offer that criticism upon the tone and language of the right hon. Gentleman, and in doing so, I admit the substance of his statement to be, so far as I can judge, unquestionable. I cannot, however, proceed without offering a tribute to the right hon. and learned Gentleman the Recorder for the marked moderation of the speech which he addressed to us. It was impossible not to sympathize with him when he described the grave embarrassment in which he found himself placed, and I entirely assent to the proposition of the right hon. and learned Gentleman upon that subject. From my point of view, I must offer him this consolation—if he has been placed in great embarrassment by the nature of the issue presented to him to-day, he has escaped the far graver embarrassment which invariably arises from a false step taken in a compromise of this character, and he has made provision for the future which I think he will find amply compensates for any disappointment he may experience with regard to the present moment. I wish I could pass with as much satisfaction to the speech of my hon. and learned Friend the Member for Oxford. I confess, fairly, I greatly admire the manner in which he has used his time since Friday night. On Friday night, as he says, he was taken by surprise; the lawyer was taken by surprise, and so was the Professor of Law in the University of Cambridge; the lawyer was taken by surprise, and in consequence he had nothing to deliver to the House except a series of propositions on which I will not comment. I greatly respect the Order and the spirit of the Order of the House which renders it irregular, as in my opinion it is highly inconvenient, especially when there is no practical issue, to revive the details and particulars of a former debate. Finding that he has delivered to the House most extraordinary propositions of law and history that will not bear a moment's examination, my hon. and learned Friend has had the opportunity of spending four or five days in better informing himself

upon the subject, and he is in a position to come down to this House, and for an hour and a-half to display and develop the erudition he has thus rapidly and cleverly acquired. Human nature could not possibly resist such a temptation, and my hon. and learned Friend has succumbed to it on this occasion. I will not, however, follow my hon. and learned Friend over the ground he has taken. I do not think it would be to the edification of the House, or of the public, or of the party to which, I believe, we both belong, if I were to prosecute in great detail the controversy raised against me by the late Solicitor General, and therefore I avoid and eschew it. I cannot, moreover, say that the three canons of good taste, good feeling, and courtesy which we are accustomed here to regard, and which may be very old-fashioned, are entirely conformable to those of my hon. and learned Friend, and therefore it is better that I should decline the controversy, and rest under all the disadvantage which must necessarily attach to me if I forbear to traverse the arguments and propositions he has formally advanced. The real question between us is a very simple one as regards the method of stating it. It is whether the proposition involved in the Amendment of the hon. Member for North-east Lancashire is or is not consistent with the principles of the Statute and Canon Law of this country—by Canon Law, I mean those Canons of the Church of England which are laws in respect of the clergy—that principle being the principle from the very first ages of the law of Christendom at large. If I were to discuss that question, when there is no point at issue on which the House is called upon to decide, I should feel, however much I might be glorifying myself by one of those portentous displays which we have witnessed, that I was really occupying the time of the House for a purpose purely personal, and having no relation whatever to those purposes of debate and decision for which, as I understand, we are here met together. There are, however, one or two points upon which I must refer to the speech of my hon. and learned Friend, but it will be apart from his general argument. He has stated the general scope of my argument on a former occasion, and at the same time not unfairly, and I may say that that general argument, so stated, he did

not in the slightest degree invalidate nor dispute. He gave you to understand that he was questioning and overthrowing it; but if his propositions and facts are examined, it will be found that they were wholly beside the purpose. He dwelt for half-an-hour upon the metropolitan visitation. There was not a word said by me about metropolitan visitation, nor has this Bill anything to do with metropolitan visitation. It means, not an assumption of the original jurisdiction of a Bishop, but an examination whether the Bishop is doing his duty. Why, of course, it is the business of the Archbishop; but it has nothing whatever to do with the controversy between the hon. and learned Gentleman and myself. He says he abhors vituperation; no doubt, but how does he define vituperation? Is it perfectly consistent with that declaration that he should describe language used "elsewhere" as "the ill-advised railing of a rash and rancorous tongue?" If so, a gentleman who wishes to avoid vituperation, and at the same time wishes to indulge in those feelings which are commonly supposed to produce vituperation, may derive comfort from the thought that he will not vituperate, though he may say anything he likes about the railing of rash and rancorous tongues. My hon. and learned Friend has indulged in another practice against which I think the House cannot so severely protest. It is that whenever anyone is opposed to you, you should fix upon him a bad name. This is the system of my hon. and learned Friend during the progress of this Bill. Somebody proposes an Amendment in this Ecclesiastical Titles Bill, I was going to say—in this Public Worship Bill, and my hon. and learned Friend gets up and says—"Ah! ah! this is an Amendment by one who has been opposed to the Bill from the first," to endeavour to prejudice the proposition by insinuating something as to the motive of the man. This has been one of the favourite weapons of my hon. and learned Friend upon this occasion; but I have no doubt upon all other occasions he will be entirely free from pursuing such a course. The fact is that my hon. and learned Friend is still in his Parliamentary youth, and has not yet sown his Parliamentary wild oats. When he has done it, I have not the smallest doubt that all the great

powers he has displayed—and there is no person who has seen his development and exhibition with greater satisfaction than I have—will be found to be combined with a degree of temper, a degree of wisdom, a degree of consideration for the feelings of others, a degree of strictness and vigour in stating and restating the arguments of opponents; and, in fact, with a consummate attainment of every political virtue that will make my hon. and learned Friend outshine and eclipse all former notabilities of Parliament, as much as he promises to eclipse them in his great ability and eloquence; and not only so, but if he proceeds in the course in which he has been engaged since last Friday, in his knowledge of the history of ecclesiastical matters. My hon. and learned Friend quoted from a pamphlet of mine, which was published, I think, 23 years ago, and reprinted in the main, not by my own act, but with my consent, about nine years ago, a statement to the effect that of a Court constituted as the Judicial Committee of the Privy Council is constituted, the Church knows nothing. That was a strictly true statement, and it was, in fact, the summing-up of a historical statement. I went through the whole of the history of these Courts for a lengthened period in a pamphlet that, I believe, is even longer than the speech of my hon. and learned Friend to-day, and when I reached our own times, I found this Court was differently constituted in principle from the Courts that had preceded it, and of that Court so constituted the Church knew nothing. Now, that is a simple matter. I have great pleasure in agreeing with my hon. and learned Friend and with the Recorder in the statement made with respect to the Church of England; they say it is a Church subject to the State, and subject to the laws of the State. There is not the smallest doubt about it. No man can properly rise up in this House and, on the ground of the *jus divinum* of the Episcopacy, assume to accept or refuse a particular proposition. It is the human aspect, the human side of this institution, with which you have to do. A State Church, if it is to be established, must conform to the rules and laws of the State; we cannot for a moment doubt it. It is quite a different question how far it is the duty and wisdom of the State, and how far it has

been the practice of the State, in the exercise of its own discretion, and in order to direct itself towards right conclusions so to adjust its laws as to make them compatible, wherever it can properly be done, with those principles inherent in the constitution of a religious society, and which undoubtedly do not invest in that religious society any right of overriding the State, but which may affect the practicability of what is called a National Establishment, or the union of Church and State. I hope this distinction is perfectly clear and broad. I will end with one word more about my hon. and learned Friend. The main reason why I do not follow—and why I shall never, without necessity, follow—my hon. and learned Friend into this controversy is this—I am quite convinced, and let my words be marked, it is well for this House to consider whether it desires or does not desire to maintain a National Establishment of religion in this country. If it is desired to maintain that Establishment of religion, then I say moderation in act and temper, and mildness in language are absolutely necessary for those who undertake to guide the House in that difficult and perilous question; but if the tone, language, and temper of my hon. and learned Friend are to be taken as the standards which in future are to govern this ecclesiastical discussion, I say, whoever may be right and wrong here, whoever may have a majority or a minority, there is one result which will overtake us and pass by us, and it is that the National Establishment of religion will give way under the strokes that will be dealt it by its most ill-advised defenders.

MR. NEWDEGATE: Sir, I thank the hon. and learned Member for the City of Oxford for his admirable exposition of the Constitutional and Ecclesiastical Law of this country. I heard what fell—I cannot call it an answer to the speech of the hon. and learned Member—from the right hon. Member for Greenwich; I listened then to the First Lord of the Treasury, and I asked myself “What are we to do?” The First Lord of the Treasury has informed us that the House of Commons has got into a corner; that we must either give up the Bill or the Amendment, by which the House has affirmed the right of appeal to the Archbishop from the judgment of a Bishop, who may decide

against any case being submitted to the Court we have created under the Bill. Sir, the Episcopal pretension upon which the rejection by the House of Lords of our Amendment is founded, as expressed in their reasons, is enormous—enormous to the extent of being absurd. The clergy can in many cases appeal from the decision of the Bishop to the Archbishop. A single curate has that right of appeal; but if the Bill is to pass without the Amendment, upon which the House has insisted by two divisions, any three laymen may be debarred from the right of appeal, which is, by the existing law, conceded to one curate. In fact, the right of appeal, except conditionally—that is, except subject to the veto of the Bishop, which really destroys it as a right, is, by the rejection of our Amendment, absolutely, under the Bill, annulled. The Bishop is to have the power of closing the door of justice against laity, while the intervention of the Archbishops is to be prohibited. The Bishop's—a single Bishop's—judgment is to be treated as infallible, while the Archbishops are not to be held infallible. And that is not the only instance in which this Episcopal pretension has been admitted. It is countenanced in that miserable palliative of the acknowledged abuses and incompetence of ecclesiastical jurisdiction, the Ecclesiastical Discipline Act, that statute which Parliament enacted to save itself the trouble of properly revising and reviewing the ancient ecclesiastical jurisdiction of this country. The right hon. and learned Recorder is naturally anxious to save what he can of the Bill of which he is in charge. I have done all I could to support him. But if there is to be a division, I shall certainly vote for the rejection of the Amendments sent down to us from the House of Lords; but I do not recommend a division simply for this reason—that in the present state of the House, driven as the House is into a corner close upon the period assigned for prorogation, it might weaken the expressions of opinion which the House has already uttered, if the decision, taken under these adverse circumstances showed a diminished majority. I may be asked, What then will you do? Sir, there is the door, and before you put the Question, I intend to make my way through it, as the best means of expressing my total dissent

from the exclusion of all right of appeal on the part of the laity from the Bishop's decision, which the House of Lords have thought fit to propose. I believe that by thus leaving the House, I shall best represent the opinion of the great constituency who have so long trusted me.

COLONEL BARTTELOT said, the right hon. Gentleman the Member for Greenwich must agree with him that great tact, courtesy, and moderation had been used, with rare exceptions, on both sides of the House, in the discussion of the Bill. He would not for one moment depart from that spirit; but he was bound to say the majority in that House had been placed in a very grave and a very awkward position, and it would require great temper and tact to get them out of the difficulty. He had the highest respect for the other House of Parliament, but he regretted their decision on that particular matter. He felt that decision would be scanned from one end of England to the other. It would be asked, how the majority had been composed—how the Archbishops and Bishops had voted?—and when it was found, as he believed that the Archbishops had voted in a lobby and the suffragan Bishops in another, comments would be made reminding them of those who sat on the Episcopal Bench in the memorable day of the disestablishment of the Irish Church; and the question would be asked, what the Bishops did on that particular occasion, and whether they then supported that Church to which, as he believed, they were bound to give their support? If that was the question outside, it would also be a question inside the House; and the statement they had heard from his right hon. Friend the Prime Minister, he was bound to say, was rather a curious one. The great majority of the Conservative Party, as well as a large number of those hon. Gentlemen who sat on the opposite side, representing the Protestant feeling of the country more largely perhaps than it had ever before been expressed since the Reformation, had been called upon to pass a Bill to put down Ritualism, and when they had supported it by every means in their power, they were now told it would be a dangerous thing to disagree to this Amendment of the House of Lords, because the Bill would be lost, and that those who had supported that Amendment would be de-

*Mr. Newdegate*

lighted at the loss of the Bill. Now they were bound to look to their Leaders; and considering the strong expression of opinion by his right hon. Friend the Prime Minister, that he was anxious that Ritualism should be put down, they were entitled to ask that it should be put down with a high hand by the whole Government. Their business was to see that the law was maintained. He believed he was now speaking the feelings and opinions of the large mass of his fellow countrymen. He knew they felt keenly on the subject. He knew they felt they ought to have an appeal from the decision of the Bishops, and he was delighted to hear that the right hon. Gentleman the Member for Greenwich did agree that where practices of the kind objected to were instituted in rural parishes, there ought to be some remedy and some redress. But if the Bishop said those practices were not illegal, what was to become, it might be, of the large body of the parishioners? If both incumbent and curate could appeal to the Archbishop, was it a wise and prudent course to strike out the right of appeal on behalf of the laity? That placed a much greater responsibility on the Bishops, who would now have, themselves, to see that the law was fairly and faithfully carried out. If they did not, they might depend upon it, Parliament would make them do their duty. If the Act, as some supposed, was allowed to become a dead letter—if it was found that the Protestant feeling which ought be maintained in the Church of England was not maintained in the Church of England by those who were its ministers, the Protestant majority of the House of Commons would know how to deal with the matter. He hoped, however, it would not come to that. He found his right hon. Friend the Prime Minister placed great store on the measure. His right hon. and learned Friend the Recorder, whose opinion was entitled to so much respect, was also most anxious that this Bill should not be lost. It now, therefore, became the duty of the majority to consider what it was best for them to do. He was bound to say great pressure had been put on hon. Members not to vote in support of the Commons' Amendment. That might be perfectly right and legitimate on a great occasion. He ventured to say boldly that it would be

both mischievous and unwise if, in a division upon the question, they were to go into the Lobby against the Lords' Amendments. It would not explain to the country the feeling of the House. People, looking at the division, would say the House of Commons had changed their opinion, and they had voted that the Archbishops should not be appealed to. That was not the opinion—the deliberate opinion—of the House of Commons. He looked for great things from the Bill. He hoped it would bring peace and tranquillity to the Church; he hoped it would serve to maintain the relations between the Church and the State; but as it had been put to him that it was of vital importance that the Bill should pass, he, for one, would not insist on the Commons' Amendments to the measure.

MR. WHITWELL said, he desired to enter his protest against the reasons assigned by the majority in the other branch of the Legislature for disagreeing to the Proviso giving power of appeal to the Archbishop. When once a Court of Law was created, it became, in his opinion, most unfair and unreasonable to raise up an authority preventing anybody who felt aggrieved having access to it. That would be the case if the Bishop intervened between the Judge and the complaining parishioners. As, however, there was a general opinion that it was undesirable to go into the Lobby against the Lords' Amendment, he should refrain from doing so. He must, however, express his satisfaction at hearing the Prime Minister declare his determination to maintain Protestantism, without any other consideration than that of its being in accordance with the Constitution of the country, and the best ground of the continuance of the rights and privileges of the laity.

MR. HOLT said, he could not but feel that the position in which the majority were placed was one of considerable gravity. As the author of the Amendment, he begged to say he had no personal feeling in the matter; but the House having accepted his Amendment, and having on a subsequent occasion confirmed it, he must solemnly protest against the course they were now compelled to take. He admitted that the majority on the second division had not been so great as when the Amendment

was first proposed; but if those who were absent, and had voted for it on the first occasion, had been present on the second division, the majority would have been 56 instead of 23; and even if some of these had voted on the other side, there would still have been a considerable majority in favour of his Amendment. No arguments whatever had been adduced to satisfy him that the suggestion of an appeal was either unconstitutional or inadvisable. On the contrary, abundant precedents existed to justify the course which the House of Commons had taken in this matter; and an additional argument in its favour was, that it would give some protection to the laity. He hoped the Bishops would be better advised than to allow the Bill to become a dead-letter; because, if any such disposition were manifested, the House would be prepared to enforce the law. The very opposition which had been raised to the Amendment, showed that it was considered to be of importance. No doubt, the House were anxious that the Bill should not be lost; but he must say, if it had been supposed that there would be a disposition to acquiesce in the omission of the appeal to the Archbishop, many would have voted with the hon. Member for Swansea (Mr. Dillwyn) not to allow any discretion to the Bishop in the matter. After all that had been said, however, he did not wish to quarrel with the decision to which his right hon. and learned Friend the Recorder had come, not to insist on the Amendment. At the same time, those who now refrained from taking the sense of the House upon the question, and adopted the course suggested by the right hon. and learned Gentleman, and recommended by the Prime Minister, must not be understood thereby to sanction the principle that they were prepared to place in the hands of each Bishop absolute power to prevent access by the laity to the Courts of the Church.

Mr. HENLEY said, he was one of those who had a strong opinion of the clause which had now been altered in "another place;" but his right hon. and learned Friend, who had exercised a very sound discretion, not only with regard to that portion of the Bill, but in all other parts of it, having agreed to the change, he did not think the House could do better than adopt his advice.

*Mr. Holt*

He (Mr. Henley) did not think that his hon. Member of the House would venture to say that the Bill, as it came from the Lords without the clause, was not a valuable Bill; and no one would venture to say that if the Lords' Amendments were rejected there would not be a considerable chance of losing the Bill. Now, in what position would the Bill be left, if they assented to the proposed Amendments? It might be that the Bishop would exercise a sound and wise discretion—in that case, no harm would be done. And if the Bishops would not exercise sound discretion, would there be any power to amend the Bill here? Would not that give a strength to opinion which could not be easily resisted? That was the feeling he had in the matter; and, no doubt, it was the same feeling which had influenced the right hon. and learned Friend. He therefore, thought his right hon. and learned Friend was exercising a sound discretion, and he advised the House to take the course he recommended.

Question put, and *agreed to.*

*Resolved*, That this House doth not insist on their Amendments to which The Lords disagreed; and doth agree to The Lords' Amendments to the Commons Amendments to the

#### OPEN SPACES (METROPOLIS) BILL

[BILL 230.] SECOND READING

(*Mr. Whalley, Sir George Bourger.*)

Order for Second Reading read.

SIR WILLIAM FRASER, in moving that the Bill be now read the second time, said, he did so for the purpose of gaining information respecting it, none of its founders being present. The Bill enabled the Metropolitan Board of Works to purchase and accept by gift any sites in the metropolis for to them for the recreation of the people. By the 3rd clause, in case of division of opinion among those possessing a right to sell, the holders of two-thirds could bind the other third. He should like to know whether under the Bill the Metropolitan Board of Works would have power to inclose whatever they might acquire?

Motion made, and Question proposed: "That the Bill be now read the second time."—(*Sir William Fraser.*)



**MR. LOCKE** said, there was nothing in the Bill of the slightest importance, and he suspected its promoters had discovered the fact; he was therefore not surprised that they had absented themselves from the House.

**MR. ASSHETON CROSS** said, it would be absolutely useless to pass the second reading at the present period of the Session. He agreed in the view taken by the hon. Member for Southwark, and as there were one or two principles in the Bill to which he entertained a strong objection, he should therefore move its rejection.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day month."—(*Mr. Secretary Cross.*)

Question proposed, "That the word 'now' stand part of the Question."

**SIR JAMES HOGG** said, the Metropolitan Board of Works had ample powers at present to acquire sites in the metropolis for purposes of public recreation, and with great advantage they were exercising those powers in the Bill now before the House; they had not time to look at it, and it was thus quite impossible for them, since its introduction, to give it any consideration. Being unnecessary, he hoped it would be rejected.

**MR. GOLDSMID** thought the strange combination by which the Bill was promoted (**Mr. Whalley** and **Sir George Bowyer**) was very suspicious. He supported the Amendment.

Question put, and *negatived*.

Words *added*.

Main Question, as amended, put, and *agreed to*.

Second Reading *put off* for one month.

# IRELAND—DUBLIN UNIVERSITY.

## ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Question [4th August],

"That, having regard to the importance of the changes in the constitution of the Dublin University, and the period at which the draft of the proposed Queen's Letter has been laid upon the Table of this House, it is desirable that, before they are finally sanctioned, a fuller opportunity should be afforded for their consideration than is possible during the present Session."—(*Mr. Butt.*)

Question again proposed.

Debate *resumed*.

**MR. FAWCETT** said, he could not help expressing his regret that so many attempts were made on the previous evening to "count" the House, as he thought it evinced a great disregard of an important subject that deeply concerned Ireland. In speaking on the subject, he maintained that the Queen's Letter consisted of two parts. It gave power to Trinity College and the University of Dublin to carry out the Act passed last Session; and the authorities of the College and University had endeavoured in the internal regulations they had framed in this Letter to carry out the Act with most scrupulous fidelity and care. But the Queen's Letter also contained a scheme for the partial reorganization of the College and University. It was objected that that was a partial and imperfect scheme, and could not be regarded as a final settlement of the question. Now, he agreed that the fact was so, and to that extent he concurred in the Motion of the hon. and learned Member for Limerick; but even the scheme which was contained in the Bill he first brought forward on this subject, though it went considerably further than that contained in the Letter, could not be regarded as a final settlement, but only as putting both bodies in a better position for reforming themselves in future. It was in that light that he looked upon the Queen's Letter. The practical question was, would the Letter place the authorities of the College and University in a better position sooner or later to develop a more complete and final settlement of the question? He begged to repeat the opinion he had often expressed, that he placed entire confidence in the liberality, enlightenment, and sagacity of the authorities of the College and University; but he felt that he should not be acting towards them the part of a true or a sincere friend if he did not add that no settlement could be final which left the Board with so much power as was now proposed, and he would impress on them that permanence for the existing Board was out of the question. He must also urge them to develop a more liberal and national organization, as it would be quite impossible to permit the whole affairs of the University to remain in the hands of a Board consisting exclusively of the Provost and the seven Senior Fellows. He hoped they would

be enabled to proceed in the same spirit of liberality and wisdom which they had hitherto displayed, and gradually develop their ancient and illustrious institution into the great national University of the Irish people.

Mr. SYNAN said, he was by no means opposed to the interests of the Dublin University, but he must protest against the scheme in the Queen's Letter as not affording a proper basis for the establishment of a national system of education. He had no objection to the first part of the scheme, and would recommend that it be adopted; but as to the second, which was partial and imperfect, it ought not to be adopted until an opportunity had been afforded to the Irish people to see whether a National University could be founded upon it. All he asked was that the scheme should be suspended until the country had had sufficient time to consider it.

Mr. D. R. PLUNKET, as one of the Representatives of Dublin University, wished to say for himself and for the Governing Body of that University, that they were glad an opportunity had been afforded of discussing this matter in that House. Such Queen's Letters were not of necessity brought under the cognizance of Parliament, but as the present one was more important than usual, the Governing Body desired it to be freely canvassed. He had observed with regret the attempt made to "count" the House last night during the speech of the hon. Member for Hackney, but the friendly advice he had given to-day to the University, by whom the hon. Member had stood so faithfully, would, he had no doubt, receive its calm consideration. Various schemes had been under deliberation; and the slow promotion of the Junior Fellows of the College had been adverted to. It should, however, be remembered that the disestablishment of the Irish Church had deprived the College of some valuable patronage, and perhaps the compensation money it was to receive for these losses might afford an opportunity of improving the position of the Junior Fellows in this respect. The principal objection now urged to entertaining the Queen's Letter and to its receiving the Royal Assent was, that time had not been given for its consideration; and although it was not suggested that any attempt had been

made to smuggle through the Queen's Letter, yet the House ought to know the steps which had been taken by the Governing Body to ascertain the feeling of the public. First, they formed committees of the Junior Fellows and Professors, and the result was that they brought forward a scheme of reform. They next called upon the Vice Chancellor to summon a meeting of the Senate to consider this scheme. A meeting of the Senate was held, and it was proposed that there should be an adjournment of a fortnight in order to explain to the country the action which was about to be taken. The adjournment actually granted was not for a fortnight, but three weeks. When the Senate re-assembled, the matter was discussed for six successive days. During that time frequent amendments were proposed, divisions were taken, every suggestion made was fully considered, and then a further adjournment for three weeks was agreed upon. When the Senate again met the scheme which had been already sanctioned by the Senior and Junior Fellows and Professors, was adopted unanimously by the Senate. During all this time the meetings of that body had been open to the public. Reporters were present, and the scheme was discussed in Irish journals of every different complexion of politics. Finally, the Governing Body forwarded the scheme to the Irish Office in London, and it was laid on the Table of that House. There had been a slight delay in circulating the scheme among hon. Members, but it was purely accidental. The new Governing Body could introduce hereafter any further proposition for the improvement of University education, but it was not fair to ask the University of Dublin to hold its hands until some persons unknown had found out a scheme which should be satisfactory, not only to the Protestant Dissenters and Roman Catholics who approved of the present one, but also to those Roman Catholics who would not concur in any plan of united education. Many attempts had been made to settle this question. Sir George Grey, as a Member of a Liberal Administration, and Lord Mayo, as Chief Secretary for Ireland under a Conservative Government, had failed—and failed for the same reason. The circumstances attendant upon the defeat of the Bill of last year were so fresh in the recollection of the House that it

was unnecessary to dwell upon them. It had disorganized the Liberal party, and this attempt had also failed. If hon. Members opposite would not accept the present scheme, let them hereafter submit some other proposal. It was now their turn to take the initiative, but let it be some distinct and vertebrate plan which might be discussed upon its own merits. The University of Dublin, he felt sure, would receive it in a Liberal spirit and that House would also give it fair and full consideration. The heads of that University were anxious to aid in carrying out a mixed system of education, and to throw every honour and advantage open to students of all religious denominations. They had already done so, and they were resolved to continue in the same course. He might state, at the same time, that with regard to the College Chapel, it was the intention of the Governing Body that the services of religion should be maintained, although it was likely the Protestants would have to maintain those chapel services at their own expense. Under the new state of things, the students could not be compelled to attend chapel. It had been said by an hon. Member that that scheme would be the last that would be heard of University reform; but there was no ground for such an apprehension. The history of Trinity College was one of wise and well-considered changes, and he did not doubt that the present scheme would be the cradle of further reforms. Other alterations would, no doubt, be necessary to give full effect to the Act of last year, and with its more popular elements the new Governing Body would become still stronger and adopt all desirable reforms in due time. He would ask the House to allow the Queen's Letter to come into operation, because it was the spontaneous demand of the Governing Body for the purpose of carrying out reforms. Nothing could be more prejudicial to the interests of learning than that the question should be held over for another Session, creating divisions within the walls of the College and a painful agitation outside them. To support the Motion of the hon. and learned Member (Mr. Butt) would be to hold out an invitation to disquiet, and would prejudicially affect the cause of University education in Ireland.

MR. MITCHELL HENRY contended that the system of education which now prevailed in Ireland, had been introduced from without, and that it was opposed to the wishes of the majority of the people in the country, as well as to those of the minority; opposed to the feelings of the Roman Catholics, as well as to those of the Protestants. He believed that the Protestants of Ireland were as anxious as the Roman Catholics for religious education. With regard to the changes which had been introduced into the University of Dublin, for the purpose of admitting Roman Catholics, he could only advise the House to allow that matter to remain as it was at present. It was impossible to suppose that this Queen's Letter could ever settle the question of education in Ireland. The more imperfect that settlement was at the present moment, the louder would become the demand for a clear and more comprehensive experiment in future. The people of Ireland had a right to settle the religious education they desired, and it was absurd to imagine that because England and Scotland were Protestant, the Roman Catholics of Ireland should agree to their settling the question on the basis of secularism. The Protestants of Ireland were quite as much dissatisfied with the Queen's Letter as the Roman Catholics; and he would suggest that it should be sent back to the University, so that a wiser and more comprehensive scope might be given to it. Residents in Ireland did not, in many cases, educate their children in the Dublin University, because they knew that promotion there was so slow. These were questions interesting, not only to the Roman Catholics, but to the Protestants of Ireland, and it would be better for the Government to investigate the matter, send the Letter back for reconsideration, and when it came up again, to give it that consideration which its importance demanded. The hon. Member for Hackney (Mr. Fawcett) himself had admitted that it was an imperfect document and an inadequate settlement of the question. He was, therefore, surprised that the hon. Member should wish it to be issued in that hasty way. So long as the Governing Body proceeded bit by bit in the way of reform, what peace could be hoped for in that seat of learning. He had always looked on with wonder at the course

pursued by the hon. Member on the subject of University Reform in Ireland. It was incomprehensible to him how a statesman of his wide sympathies and extended views could shut his eyes to the fact that secularism was just as much a religion as any form of denominationalism. No one adopted pure secularism, but everyone advocated Bible teaching of some kind, and he regarded all the attempts of well-meaning men to provide a sort of neutral, moral, and religious training, as specimens of unconscious self-deception. In Ireland, they had the Protestants and the Roman Catholics competing with each other for the secular and religious education of the youth of the country, for both of them valued religious training, and no one ventured to propose to cast religion out altogether. The Protestants knew right well that they had all the material endowments in their own hands, and they accepted the aid of the secularists of England, not because they loved them, but because, by their assistance, they could "keep the promise to the ear, and break it to the hope." Trinity College, Dublin, had been governed by a small Council of seven and the Provost. That Council had the whole power and finances in its hands. Many of the Junior Fellows had been 25 or 30 years in that position, and they could not take part in the government of the University. Promotion, indeed, was so slow that the intellect of the University was being drained off to this country. Formerly some of the Fellows received livings which were in the gift of the College. That had ceased since the passing of the Irish Church Act; but the Commissioners had paid Trinity College the sum of £150,000 as compensation for the loss of patronage. It was naturally expected that that sum would be utilized in quickening promotion. Some of the Senior Fellows received from £1,500 to £1,800 a-year, although they did nothing in the way of teaching, and took no active part in the proper business of a University. A proposal for their retirement had been brought before the Senate and shelved, and the Queen's Letter did not touch that vital question of the quickening of promotion, and so long as human nature remained what it was, he anticipated no thorough and effectual reform from within. He looked with great pain to the future of the Univer-

sity, if all that could be done in way of reforming after six days' delay was to be found within this Letter would be a sad day for Ireland; intellectual power of the country lowered the steps of the bone and of the land, and migrated to where there was a better chance of success. Trinity College had been used and derisively called the "Silent Sister," let her beware that the selfish and inertia of her rulers did not long, make the appellation more in the future than it had been in the past.

Question put.

The House divided:—Ayes 18: 102: Majority 84.

#### QUEEN ANNE'S BOUNTY. RESOLUTION.

MR. MONK, in rising to call attention to the unequal incidence of the tithes of First Fruits and Tenths on the Clergy; and to move—

"That it is expedient that the payment of First Fruits to the Governors of Queen Anne's Bounty should be abolished, and there should be a re-valuation of all benefices in England and Wales, with a view to an equitable re-adjustment of the tithes on a moderate and graduated scale," he said, that as the subject involved a question of taxation, it was necessary to bring it forward in that House, rather than in the House of Lords.

Notice taken, that 40 Members were not present; House counted, 84 Members being found present,

MR. MONK resumed: "First Fruits" were supposed to represent the year's profits of a benefice, and "Tithes" one-tenth of the annual income of benefices. The origin of these customs was somewhat obscure. Early in the 13th century "First Fruits" were levied by the Pope on the clergy of this country, and in 1292 a valuation of the benefices was made by Pope Nicholas III., and between 200 and 300 years these customs formed part of the Papal usurpation over the clergy of this Kingdom. In 1533, by the 25th of Henry VI, these payments to the Pope were abolished, and by 26 Henry VIII they were transferred to the King, and on that valuation the levy has

*Mr. Mitchell Henry*

to be made down to the present day. In 1704 Queen Anne erected the Corporation called "Queen Anne's Bounty Commissioners," and devoted "First Fruits" and "Tenths" to the augmentation of the poorer benefices. That Board was very extensive, including all the Bishops, the Lord Chancellor, the Judges, all Privy Councillors and Q.C.'s, the Lord Mayor and Aldermen of London, the Mayors of other municipalities, &c.—in all about 600 persons. In 1867 a Committee of that House, presided over by Mr. Bouverie, recommended that the number should be reduced, and he (Mr. Monk) was strongly of opinion that the Board should be merged in the Ecclesiastical Commissioners. Great hardships were now inflicted by the unequal incidence of the tax, as from the first many benefices and all deaneries and canonries were exempt. Besides those, the imposition of the tax being fixed on benefices existing in the time of Henry VIII., and there having been no re-valuation since, all benefices created since that time, and consequently not included in the *Liber Regis*, were exempt from payment. He should not have ventured to introduce this subject if he had not been fortified by the report of Convocation, according to which he found the following anomalies:—A benefice worth £108 a-year paid £3 17s. 10d. as "Tenths," another worth £164 paid £4 5s. 3d., whereas a benefice of the value of £1,700 paid only 17s. 8d., and another worth £2,600 paid £1 15s. 5d. only, while a vast number of large livings paid nothing. The result was that the Commissioners of Queen Anne's Bounty received little more than £15,000 a-year—£5,300 as "First Fruits," and £10,021 as "Tenths." The subject had been before Convocation for some years, and both the Upper and Lower Houses were unanimous on almost every point. The Lower differed from the Upper House with regard to the percentage, but they agreed as to the main features, that there should be further legislation on the subject, that "First Fruits" should be abolished, that all benefices under £300 a-year should be exempted, and that all above that value should be re-assessed on a moderate and graduated scale. He was still further justified in bringing the question forward by the recommendation of a Select Committee, which sat in 1837, that

"First Fruits" should be entirely abolished, and that a moderate and graduated impost should be levied upon all benefices above £300 a-year. In conclusion, he would appeal to the Home Secretary to give a pledge on the part of the Government, that he would take the whole question into consideration with a view of introducing a measure embodying some scheme like that he had shadowed forth. The hon. Member concluded by moving the Resolution.

Motion made, and Question proposed,

"That it is expedient that the payment of First Fruits to the Governors of Queen Anne's Bounty should be abolished, and that there should be a revaluation of all dignities and benefices in England and Wales, with a view to an equitable readjustment of Tenths on a moderate and graduated scale."—(*Mr. Monk*.)

MR. BRISTOWE trusted his hon. Friend would not press his Motion. He (Mr. Bristowe) did not dispute the anomalies of which his hon. Friend had complained; but he thought his hon. Friend had selected an inconvenient mode of bringing forward a question which would involve the taxation of a great number of the clergy who had hitherto been exempted.

Notice taken, that 40 Members were not present; House counted, and 40 Members not being present,

House adjourned at a quarter after Five o'clock.

## HOUSE OF LORDS,

Thursday, 6th August, 1874.

MINUTES.]—PUBLIC BILLS—*Third Reading*—Turnpike Acts Continuance\* (212); Royal Irish Constabulary and Dublin Metropolitan Police\* (221); Private Lunatic Asylums (Ireland)\* (216); Post Office Savings Bank\* (219); Great Seal Offices\* (217); Fines Act (Ireland) Amendment\* (218); Expiring Laws Continuance\* (220); Supreme Court of Judicature Act (1873) Suspension (231); Commissioners of Works and Public Buildings\* (232); Irish Reproductive Loan Fund\* (233), and passed.

SUPREME COURT OF JUDICATURE ACT  
(1873) SUSPENSION BILL—[No. 231.]

(*The Lord Chancellor.*)

THIRD READING.

Order of the Day for the Third Reading, read.

*Moved*, "That the Bill be now read 3<sup>a</sup>."  
—(*The Lord Chancellor.*)

LORD SELBORNE said, he did not rise to oppose the third reading of the Bill, but he was compelled to confess his extreme disappointment at the failure of the expectations which they were led to entertain in the early part of the present Session as to the legislation which might take place on subjects closely connected with this Bill. When they knew that his noble and learned Friend on the Woolsack had the opportunity of exercising his great powers and his great influence in the promotion of valuable and useful measures of legal reform; and when they reflected on the perfect concord which existed between a considerable majority in their Lordships' House and a considerable majority in the other House, it seemed that the time had come when they might look forward with confidence to the successful prosecution of that kind of legislation to which he referred. He was aware that the present Government acceded to office without being able to prepare measures in prospect of the Session, and that thus a considerable part of an important period of the Session was lost. He was willing to take that circumstance into account. His noble and learned Friend had, however, brought forward the legal Bills to which he (Lord Selborne) alluded at an early period of the Session, and in doing so spoke in very kind terms of the communication made by him to his noble and learned Friend on the subject of one of those measures at the time of the change of Government. His noble and learned Friend had not at all disappointed the expectations which had been formed respecting his anxiety and ability in the cause of Law Reform; for, after giving full consideration to the subject, he did introduce two important measures for facilitating the transfer of land and two Judicature Bills. Both the former Bills were considered in their Lordships' House, though they did not undergo any very great amount of discussion in consequence of the general concurrence in

their various provisions. The Judicature Bills, however, did undergo discussion in their Lordships' House on several occasions—both the Bill relating to Ireland and the Bill to amend the English Act of last Session; and he should have thought that they went down from the Lordships' House in sufficient time to pass the other House in the present Session. Indeed, there was no doubt they would have become law, if it had been considered worth while to press them forward. Under those circumstances, and with the advantages arising from the concurrence of that and the other House of Parliament in supporting a powerful Administration, no time could not be found for the discussion of such measures sent down under such circumstances and under such auspices, until the last fortnight of the Session, he utterly despaired of seeing justice ever done to such Bills. There were no Bills of greater importance, or more desired, so far as their objects were concerned, by the public at large. On the other hand, from the technical character of their details, they would be always outside of the category of those measures which excited great Parliamentary and public attention, and therefore the mere exigencies of party would not be likely to push them forward but if there was any use in a Government strong in both Houses, surely it was that measures of this kind might have a fair chance of being sufficiently and properly considered, and that they should not be thrust aside for measures which as compared with them were really of no more than ephemeral importance. He was unable to appreciate the reasons which prevented those Bills receiving due consideration in the House of Commons. It might be that there had been a prospect of much more discussion in the other House of Parliament on the Bills relating to the transfer of land than he should have anticipated and that, as to those Bills, which were not immediately pressing as to time, the Government might have exercised wise discretion; but as regarded the Judicature Bills, which he believed had proceeded to almost the last stage—the English one having passed half through Committee—he could not but express his opinion that if there was everywhere the same zeal in the cause of law reform which he knew to be pos-

passed by his noble and learned Friend on the Woolsack, those Bills would have passed through the House of Commons. What was the consequence? One which must be regretted by his noble and learned Friend himself. The Bill which passed last year, and which the whole of the legal profession had expected would come into operation this year, was, by the measure now before their Lordships, proposed to be kept in suspense for a whole year from November next. He must say that he could not see that there was a necessity for such a postponement. Even if, in the judgment of his noble and learned Friend, some postponement was necessary—if it were desired that there should be a longer period than the interval between this and November for the consideration of the new Orders and Rules—would not a short postponement to the beginning of next year have been sufficient? He admitted the advantage of having that Act itself and the Amendment of it proposed by his noble and learned Friend this Session come into operation simultaneously; but he could not think that it was at all so considerable as to counterbalance the disadvantage arising from the doubts to which the postponement of the Act for another year would, he apprehended, give rise in the minds of many persons. The principles of that measure would again become topics in the arena of discussion, and surmises would get abroad that there was an intention on the part of the Government and Parliament to reconsider these principles and the whole of the plan which had been already sanctioned by both Houses and had become law. That idea would give encouragement to those who were opposed to the change so decided upon by Parliament, and the result might be that at the beginning of next Session they might find themselves further off than ever from the reform which they had expected to see effected before the close of the present year. He was sure that in the mind of his noble and learned Friend there was no intention to depart from the principles on which that legislation had proceeded last Session, and in their Lordships' House during the present year; but, for the reasons he had referred to, it would give him great satisfaction to hear from his noble and learned Friend that his views were unchanged, and that their Lord-

ships might look forward to a serious and earnest attempt next Session to pass the measures he had introduced this year, and that the Act of last year would be brought into operation without any further delay than was now absolutely necessary.

THE EARL OF LIMERICK said, he also regretted the postponement of the Act—an unfortunate circumstance arising from the delay in the constitution of the New Supreme Court of Appeal was that the Judicial Committee of the Privy Council would continue to hear ecclesiastical appeals, and that, as Judges, the two most reverend Prelates would continue to assist in the hearing of those appeals. It was most unfortunate that the public should have any reason for not accepting the decisions on those appeals, as being decided on purely legal grounds on account of the presence of persons who could not be said to be entirely free from prejudice in the matter.

LORD REDESDALE said, he was glad the delay took place, and was glad of it for the reasons which made the noble and learned Lord (Lord Selborne) regret it. In his opinion, the decision already come to by Parliament with reference to the Supreme Tribunal of Appeal was not the best which could be come to. He said that because he believed the tribunal proposed did not meet with the entire approbation of the legal profession in this country, and he hoped that during the Recess, there would be a fuller expression of their opinion on the matter. It certainly did not meet with approval in Scotland and Ireland, in both of which countries the profession had had the courage to speak out. He hoped his noble and learned Friend on the Woolsack would not by any statement commit himself further than he was already committed to the transfer of the Appellate Jurisdiction of the House of Lords.

THE LORD CHANCELLOR: My Lords, I am not surprised that my noble and learned Friend (Lord Selborne), even at this stage of the Bill, should have called your Lordships' attention to the subject to which he has referred. The only thing in the discussion which has caused me some regret is the reference by the noble Earl (the Earl of Limerick) to questions which deeply agitate the public mind. I can conceive

nothing more unfortunate—I hope the noble Earl will excuse me if I say more unseemly—than that there should be in this House any reference to matters which may become the subject of legal discussion and decision—that it should be suggested by any Member of your Lordships' House that two Members of the Episcopal Bench, who must, as Judges or assessors be concerned in cases to which he refers—that it should be suggested they cannot discharge that duty with unbiassed minds, I leave the noble Earl to consider whether a suggestion of that kind made in your Lordships' House is in furtherance of the best interests of justice. I turn to the remarks made by my noble and learned Friend on this Bill, and I must say I entirely agree with him as to the course which the Bills he alluded to took in this House. I feel, and have felt throughout this Session, deep gratitude for the earnest consideration given in this House to all of those Bills. Even by those of your Lordships who did not agree with the proposals which they were intended to carry out, the various questions arising on them were fully discussed, and those questions were distinctly decided by the judgment of the House. I should be very ungrateful, also, if I did not take this opportunity of recognizing the great and valuable assistance I received from my noble and learned Friend in presenting and forwarding these measures; and I think I need not apologize for taking this public opportunity of returning my thanks in another quarter. The country is deeply indebted to the learned Judges, who, though having to discharge important and laborious duties more immediately connected with their office, gave during the year a great deal of their valuable time to the preparation of those Rules and Orders in connection with the Judicature Bill which have been recently laid before Parliament. With regard to the course taken in “another place” in respect of the Bills to which my noble and learned Friend has referred, the history of it, though it did not come under my own eyes, appears to me to be extremely simple. When those Bills went down from this House, the Government had every reason to suppose that they would meet with very general approval in the other House of Parliament, and being Bills which had been

brought down from this House, that course was taken with them which, in every Session within my experience, has been taken with Bills under similar circumstances. Precedence before them was given to Bills which had originated in the House of Commons, and had not been brought down from this House. That course, if not carried too far, appears to me to be a convenient and wise course. But after a time it was found that a number of Amendments were to be proposed to the Land Transfer Bill; that as regarded the Judicature Act Amendment Bill some opposition would arise, not on the main principle, but on questions of detail; and that as regarded the new Tribunal of Appeal, certain questions would be raised as to judicial appointments for Scotland and Ireland. But, notwithstanding all that, I have not the least doubt that those Bills would have passed through the other House, if towards the close of the Session, and during the few days when they could have been forwarded, there did not come before the House of Commons a Bill, which, though not a Government measure, was one of great public interest, and which occupied the energies and attention of that House to such an extent that the Government found that any opposition sustained by however limited a number of hon. Members, would, at that period of the Session, have prevented the passing of the Bills to which my noble and learned Friend has referred. But my noble and learned Friend says that, even suppose we could not have passed the Irish Judicature Bill and the Judicature Act Amendment Bill, he cannot see why the English Act of last year should not have been allowed to take its course and come into operation at the time originally fixed. He asks why that could not have been done? For this simple reason—In order to bring it into operation, it would have been necessary to complete the constitution of the Appellate Court, and in order to complete the constitution of the Appellate Court, it would have become necessary to consider the questions raised in respect of the representation of Ireland and Scotland. It was with the greatest regret—regret on the part of the whole of the Cabinet, but I need not say particular regret on my part—that we arrived at the conclusion that it was useless to attempt to proceed with those Bills this Session. In reply



to what my noble and learned Friend has said as to our intentions, on the part of Her Majesty's Government I can say that Her Majesty's Government have no such intention as that which he has mentioned as one likely to be attributed to us by some persons. We have no intention to present those Bills in a different form to this or the other House of Parliament. The Bills in their present shape embody the intentions of the Government on the great questions to which my noble and learned Friend refers, and in that shape, or substantially in that shape, they will be again brought before Parliament. It is true that the Bill now before your Lordships suspends till the month of November, 1875, the coming into operation of the Act of last year. As the Bill was introduced in the other House, it was to suspend it till November of next year, or such other time as Her Majesty by Order in Council might appoint. That last Proviso was objected to as being irregular in a matter of such importance, and it was accordingly omitted. But it is the intention of the Government to present those Bills at a very early period of the next Session, and if Parliament will address itself to them without delay, there is no reason why the Act of last year may not come into operation long before November—may be by the 1st of May—and it will be entirely competent to Parliament to alter the date in the Bill before your Lordships, and decide on a much earlier one.

Motion agreed to; Bill read 3<sup>d</sup> accordingly, and passed.

#### ARMY—FIRST COMMISSIONS—ROYAL WARRANT, 1871.

##### ADDRESS FOR A PAPER.

EARL FITZWILLIAM said, he rose to move an Address for a Paper, and to ask the following Question:—Whether a commission can now be withheld from a candidate who, having applied to the Horse Guards for a commission early in 1870, has qualified under the regulations then in force as a university candidate for a commission? Although the Question was of personal character, it was likewise one of public importance, and the reason why he brought it under their Lordships' notice was that in the year 1870 he applied for a nomination for a commission for his son. His Royal

Highness the Commander-in-Chief referred him to Major General Forster, the Military Secretary, for the regulations, and that gallant officer put in his hand a Memorandum, dated the 1st of June, 1867, which laid down that within certain limits of age, young gentlemen who had obtained a nomination and had obtained a University degree would receive their commission. His son obtained the nomination, and, having spent the necessary time and passed the required examinations, obtained his degree at Cambridge. When he presented himself for his commission in 1872, he was informed that, by a Warrant issued in 1871, the conditions were changed, and thus he could not obtain his commission. He complained that such a Warrant should have a retrospective effect. If his son had not proceeded on the faith of the conditions shown to him by Major General Forster when the nomination was obtained, he need not have gone to Cambridge, and might have secured his commission by passing the ordinary examination required of candidates for commissions who had not a University degree.

*Moved*, "That an humble Address be presented to Her Majesty for Copy of the Royal Warrant or Regulations issued before the 1st November, 1871, respecting the appointment of candidates from the Universities for first commissions in the Army."—(*The Earl Fitzwilliam.*)

THE EARL OF LONGFORD said, he was glad the noble Earl had brought the matter forward, because much vexation and disappointment had been caused to candidates for commissions and their friends by the want of a timely notice of the change made by the Warrant of 1871 and of other similar Warrants. When changes of that kind were made it should be done in such a manner that the public could not be retrospectively affected by them. He would admit that in making them, there was no desire on the part of the Department to inflict injustice on anyone; but he had heard complaints from several friends in the country of the serious loss and injustice which had been done by unexpected changes in the conditions for examinations, and for appointments to commissions, and he suggested that in future the regulations should be made with such notice as to be intelligible to all persons. The young gentleman in this case had followed the instructions given to him by the autho-

rities, had qualified himself for a commission exactly as he was told to qualify himself, and then he was informed after a considerable time that the regulations had been altered. There could not be many persons affected by the particular change now under notice, and he thought that in this case the whole loss should not fall upon one individual, but be shared by the public Department which had issued the new regulations. The Department might do the gracious act of conferring a commission upon a gentleman who might fairly suppose that he had earned it.

THE EARL OF PEMBROKE said, he did not for a moment wish to deny that the candidate whose case had been brought under the notice of their Lordships had suffered some disadvantage; but, on the other hand, he could not admit that a nomination gave the candidate for the Army a vested interest in the conditions of admission existing at the time he obtained the nomination. Every case of this kind must be decided on grounds of expediency and common sense. Major General Forster showed the noble Earl the regulations existing at the time; but he did not say that by the time the noble Earl's son was qualified, he would come in under those regulations. He would come in under the regulations in force at the time he presented himself, and applying to candidates in his position. In 1871, the Warrant was issued which limited the list of the Field Marshal Commanding-in-Chief and limited the candidates. That Warrant was published in *The Times*.

EARL FITZWILLIAM: Was it published officially?

THE EARL OF PEMBROKE: *The Times* was not in the habit of publishing matters for its own amusement. It was published in *The Gazette* and copied into *The Times*, and therefore, without intending that there should be any offensive comparison, he could not help saying that pleading ignorance of the Warrant was very much as if a garrotter on being sentenced to be whipped pleaded ignorance of the law which authorized that species of punishment in his case. After the Warrant of 1871, candidates for commissions who had gone through a University course were required to stand a competitive examination, but competitive only so far as a competition with other University candidates. When the

Warrant came in force, all qualified candidates had to get commissions, and it took two years to get rid of those qualified candidates. It would have been impossible, as the number of the total admissions had been reduced by a reduction in the number of subalterns, to admit in addition those who were not qualified. It could not be denied that the noble Earl's son had been placed at a disadvantage by the change, but it was a disadvantage which had been shared in by many other young men who were on the Commander-in-Chief's list.

LORD PENZANCE said, that ample notice ought to be given of any alteration of such a Warrant, in order that no one might be prejudiced by the change. There were many young men whose time and outlay in preparing themselves for examination might be found to have been entirely thrown away in consequence of the new regulation. That was a hardship bordering on an injustice, and sufficient time should be given to all persons coming under its provisions to enable them to prepare for the changes it effected.

EARL FORTESCUE said, he had no hesitation in condemning the course pursued. Warrants ought not to be altered until after a certain period had elapsed, and due notice had been given; and if that were not done, the want of confidence resulting was likely to act injuriously to the public service. These sudden and sensational changes, however, were not altogether confined to the Army; but he hoped in future, Government would not fail to give adequate notice of all alterations it intended to effect.

LORD REDESDALE said, he would urge the greatest caution in making alterations, seeing that the pecuniary loss in many cases might be such as the persons were little able to bear. Such an alteration was very hard in the case of the son of a person not in the position of the noble Earl who introduced the subject, because it might be that a man who was poor sent his son to the University for the purpose of enabling him to obtain a commission, and after he had been at all the expense, he suddenly found that a new Warrant shut the door in his face, and all the money so spent was thrown away.

LORD PENRHYN said, he should like to know why, when the Royal War-

rant came out making the alteration, those interested were not made acquainted with the change, and an explanation given to them that it would not affect them? He maintained that there had, in effect, been a promise given that if a certain University course was gone through and a degree obtained, there would be a commission given without examination.

**LORD STRATHNAIRN** : Before going further, I beg to express my dissent from the sentiments expressed by the noble Earl, the Representative of the War Office, that the promises in the Memorandum of the 1st June 1867, were not entitled to be always respected.

**THE EARL OF PEMBROKE** : I beg to say that I did not say that. What I said was, that there were so many candidates, that it was not possible to give them commissions.

**LORD STRATHNAIRN** : My Lords, I cannot agree that the number of aggrieved Army candidates justifies the breach of promise of which they are victims. On the contrary, it appears to me to increase the amount of right of complaint. And this accumulation of passed candidates is entirely owing to the want of foresight and great mismanagement of the War Office, whose special duty it was to have regulated the flow of these candidates from the different branches of military test education sources. I regret, my Lords, that regard for the interests of the Army compels me to submit to your Lordship's notice a War Office case which some noble Lords have designated as hard, some as unjust, others as a breach of faith. That regret is increased by the present War Officers having associated themselves with the principal features of the ever-changing, constantly failing policy of their Predecessors—particularly the short service without pension—which were so disapproved by the Leader of the late Opposition; and by their having adopted the question before the House, which is the retraction of a promise contained in the Memorandum, dated Horse Guards, 1st January 1867, to the youth of their country, their parents and relatives, that if a candidate for the Army passed the University test, he could be qualified for, and entitled to, a first commission. My noble Relative's statement makes the facts of the case

so clear, that to say anything on that subject would be waste of time. But I should observe that the transmission of the Memorandum of 1867 to Earl Fitzwilliam as a guide or instruction, in June 1870, and the insertion of his son's name in the list of Horse Guards candidates for the Army, both by order of His Royal Highness the Commander in Chief, strengthen, if they do not guarantee the promise in that Memorandum. Under these circumstances, I must think that it was a heartless and unjustifiable use of power, on the part of the War Office, to annul their promises, and to inform Earl Fitzwilliam by a letter from the Military Secretary, of the 7th August 1873—that is, three years afterwards, and without a word of warning, that his son's three years' study for the qualifying test at Cambridge were thrown away, and that he must now embark in a totally different, far more difficult course of study, less certain of success; and besides, be ready in three or four months for the trying and unpopular competitive examination—the consequence of all of which was that the three best, the really only, years for study for a career, of this young gentleman's life were wasted, irrevocably gone, and he himself left without a profession. I say, my Lords, that conduct such as this towards a candidate for the Army and his Father is directly opposed to the spirit of the Queen's Regulations which enjoin that superior officers are to temper the exercise of their authority with a scrupulous regard for the feelings and interests of their subordinates; and that conciliation and courtesy are to mark all their relations with persons with whom their duties bring them in relation. The narrative of this case induces the belief that the late head of the War Office could never have penned these Instructions. It would not be worthy of this case to adduce, as a grievance, the pecuniary loss which Earl Fitzwilliam sustained by the three years' fruitless education of his son at the University, and by his having to provide another career for him. But, on the other hand, this would be a grievous loss to a poor parent, an ill-paid curate, a retired officer, who had deprived himself and his family of almost the means of existence to place his son in the Army by means of the University test. And the loss to all parents is equal, whether

of high or humble degree, of the most valuable years of their sons' existence, and of the mortification of a blighted career. It is misuse of administrative power, such as has been described in this debate, and disregard of an axiom, which the Duke of Wellington so often declared should never be lost sight of in political or Army affairs, that "any sacrifice is better than that of good faith," which has weakened the influence and respect which it is desirable the War Office should enjoy in this country, especially amongst the recruiting classes.

THE EARL OF PEMBROKE said, that it was a mistake to suppose that candidates would gain nothing, in respect of their admission to the Army, by the University course they had passed through. If there were six commissions to be given away and 20 candidates, there would have to be a competitive examination among themselves as to the best qualified.

*Motion agreed to.*

#### IRISH CHURCH ACT—NATIONAL MONUMENTS—ECCLESIASTICAL BUILDINGS.

##### QUESTION.

LORD CARLINGFORD called the attention of the noble Duke the Lord President of the Council to the provisions of the Irish Church Act under which certain ecclesiastical buildings in Ireland might be handed over to the Board of Works in that country, to be preserved as national monuments, and asked, Whether the Government intends to appoint a competent person in connection with the Board of Works in Ireland to take charge of those ecclesiastical buildings which have been or may be handed over to that Board by the Irish Church Commissioners as national monuments, to see that the duty of keeping them in a proper state of repair was satisfactorily performed? A considerable number of these buildings had already been handed over to the Board of Works by the Commissioners, and he hoped that many more would be handed over, because the list which had been published in the Papers did not by any means include all the ancient ecclesiastical buildings, monuments, and ruins in Ireland. The question was one in which a great many people in Ireland took a deep interest, and an impression pre-

vailed among them that the Board of Works was scarcely competent with its present staff to maintain in proper condition those venerable buildings. Indeed, they could scarcely be dealt with satisfactorily unless some skilled person with archaeological tastes and knowledge were appointed to look after them.

EARL BEAUCHAMP said, that the buildings in question were in ruins, and the 25th section of the Irish Church Act applied to them. It seemed to him that they were not to be restored or repaired, but preserved, and the duty of preserving these ruins did not require a large amount of architectural skill. He thought that it would be best that they should not be restored, but simply preserved in their integrity; and that duty of preservation could be discharged by a surveyor better than by a person who was possessed of architectural taste. If, however, anything in the nature of archaeology should arise, rendering it necessary to call in the assistance of any person, the Board of Works would seek the best advice that could be obtained.

LORD CARLINGFORD said, he wished to avoid the appointment of an architect, preferring an archaeologist, who would give sound advice in this matter.

#### BRITISH CEMETERIES IN THE CRIMEA.—QUESTION.

THE EARL OF LONGFORD asked Her Majesty's Government, Whether arrangements have been made to repair and to maintain in future, the British Cemeteries in the Crimea? The noble Earl said, that no action had yet been taken to carry out the good intentions expressed by the late and previous Governments. Commissioners sent out by the War Office had reported how the cemeteries could be maintained. An English gentleman resident in the Crimea was willing to undertake the superintendence, if authorized to do so, and the Russian authorities had given a willing consent. Other nations had acted differently in the matter. The Russian cemetery was a noble military monument; the French cemetery was equally well maintained. The graves of the British soldiers were abandoned to the beasts of the field, and their monuments broken and destroyed. It could not be the wish of the Government, or of the people of this country that that state of neglect should

*Lord Strathnairn*

longer continue. He therefore made the inquiry according to his Notice.

**THE EARL OF PEMBROKE** said, the subject had been for some time under the consideration of the Secretary of State for War, and that a Vote for the repair and maintenance of the English cemetery in the Crimea would be submitted to Parliament next Session. The Government were also in correspondence with the Russian Government on the subject, and had to thank them for what they had hitherto done in the matter.

**PUBLIC WORSHIP REGULATION BILL.  
PERSONAL EXPLANATION.**

**THE MARQUESS OF SALISBURY :**  
**My Lords,** I wish to be allowed, before the House rises, to make a few observations on a personal matter. I am told that the other House of Parliament has been occupying itself with the exciting, but somewhat irregular, pastime of discussing the discussions in this House. I do not propose to imitate a practice which appears to me inconvenient, and to bring before your Lordships in general anything which has been there said; but I would observe that if the practice of discussing elsewhere what has been said here is to prevail, it is very desirable that there should be some authorized form of reporting what takes place in each House of Parliament, which can be distributed to the Members of the other House, so that at least they may know what they are talking about. But my reason for rising is, that the most extraordinary language has been imputed to me—I believe, among others, by persons or by a person in the other House of Parliament, who was evidently wholly unacquainted with the matter of which he was speaking. It has been said that I was guilty of using with respect to the House of Commons the phrase “a blustering majority.” That was said with the greatest confidence, and it was apparently accepted as absolutely true; and for two hours, I am told, the House of Commons went on discussing the interesting thesis whether it was “a blustering majority” or not. I am sorry, my Lords, to dispel the illusion which was the cause of so much effective speaking; but in justice to myself, I do not like it to remain on record that I made use of such an observation. I

do not know who invented the idea, but it is a simple and absolute fabrication. I never said anything of the kind. I never said anything of the kind, in the first place, because it would be wholly untrue. There has never been of late years anything in the conduct of the majority in the other House to justify anybody in using such language with regard to it. The majority in the House of Commons possesses great power, but it has always exercised that power with self-restraint and dignity. Another reason why I did not use such language in regard to the other House is, because this is not the place where such language ought to be used. It appears to me to be the basis of our Constitutional system that the two Houses of Parliament should in their discussions always observe that profound respect for each other which I am sure as regards the vast majority of the Members of both Houses is generally felt. I have, therefore, to deny, in the most formal and positive manner, that I ever used the phrase “blustering majority” with regard to the other House of Parliament. I did use the word “bluster,” but with this reference—It had been argued by somebody in this House—I do not enter into any further indication of who the person was—that we were bound so take a particular course because the House of Commons was very resolved, and because, if we did not take that course, this Bill would be lost. My Lords, I have always objected to the argument, when there is a difference of opinion between the two Houses, that it is the privilege of the House of Commons always to insist, and the duty of the House of Lords always to yield. It is not uncommon to use that argument when we come to the last discussions in conflicts of that kind, and I venture to think it is an argument of a nature which may be justly designated by the term “bluster.” But, whether that be the case or not, what I am now concerned to say is, that it never entered my head to use a term in the least degree disrespectful to the other House of Parliament. I regret that the statement should have been made, because I should exceedingly dislike to have it attached to my name, and by such distinguished authorities, or to have it thought that I could be guilty of such an offence at all. There has been a

good deal of excited language used; but I do not think it my duty to refer to that. It is very natural that those whose opinions are overruled should feel irritation. My only object is to clear myself of this imputation, and to express my hope that we may never again see the renewal of so great an irregularity as the discussion in one House of Parliament of the debates in the other.

LORD CARLINGFORD: My Lords, as I was not present in the House the other night at the debate to which the noble Marquess (the Marquess of Salisbury) refers, and as I was in the same position as the Members of the other House in having to trust mainly to the report in the papers for what was said by the noble Marquess, perhaps I may be allowed to state, by way of evidence as to the effect of that report on ordinary minds, that the sense it conveyed to my mind was precisely the same as that which the noble Marquess has just described; and that I was much surprised to find that the other interpretation—which I should not have thought possible—which attributes to the noble Marquess the use of the term “blustering majority” to the House of Commons itself had apparently been adopted—almost by common consent—by the persons who took part in the debate in the other House yesterday; and, among them especially, as I observed, by the Prime Minister himself. I certainly gathered from the report that whatever “bluster” there was went on in this House, and I understood that the person who had raised “the bugbear” was the noble Marquess’s Colleague the noble and learned Lord on the Woolsack.

THE LORD CHANCELLOR: I am glad that my noble Friend (the Marquess of Salisbury) has referred to this subject, and I hope that those who may hereafter discuss in the one House what has been said in the other will be induced by what has happened in this case to bear in mind two things—first, the importance of ascertaining accurately what has been said before they proceed to comment upon it; and, in the next place, what an immense difference the misquotation of a single word may make on a grave subject. Unlike the noble Lord who spoke last (Lord Carlingford), I was present at the discussion in this House the other night, and heard what

my noble Friend said, and also took a great interest in it, because my noble Friend followed the observations which I had made, and he was expressing his view, as he always does, with great clearness and point. And, in the first place, I join with my noble Friend in utterly denying that any such expression as that of “a blustering majority” ever fell from the mouth of my noble Friend. In the next place, I say that there was not a word said by my noble Friend which had reference to anything that had been said or done, or threatened to be done inside the House of Commons. Everything that my noble Friend said had, in the most legitimate way, reference to what had been said in this House, and in no place else. And I agree further with the noble Lord who spoke last (Lord Carlingford), that when my noble Friend adverted to the “bugbear” of a majority in the other House, he was alluding to the remarks of no more important a person than he who now addresses your Lordships. That was my impression. I have refreshed my memory with the report of the discussion which appeared in *The Times*, and I find that it concurs entirely with my own recollection of what passed. This was the observation made by my noble Friend, as given in *The Times*:—“Much has been said of the majority in ‘another place’”—I myself had said something about it—

“Much had been said of the majority in ‘another place,’ and of the peril in which the Bill would be if the clause under discussion were rejected.”

I think, my Lords, these were the very words that I used. My noble Friend then went on—

“There was a great deal of that kind of bluster when any particular course had been taken by the other House of Parliament.”

I certainly thought that referred to what I had said; and, with the attachment and regard that I have for my noble Friend, if he had used expressions twice as strong I should not have felt the least discomposed or annoyed by them. I am told, however, by my noble Friend that he did not refer to me, but still to what had been said in this House; and it was perfectly legitimate for him to refer to anything that was said in this House. Then my noble Friend added—

“It was absurd to suppose that if the clause were rejected, there would not be found 12 men

with sufficient common sense to accept the Bill rather than lose it altogether. He, for one, therefore, utterly repudiated the bugbear of a majority in the House of Commons"—

that is to say, the bugbear that was presented to this House in the course of what was said in discussion. Then, my Lords, what happened? A Gentleman of great distinction rose elsewhere, and, upon information which turns out to be entirely erroneous, represented that my noble Friend had spoken about a "blustering majority" of the House of Commons. There was no time for any correction, because the other House met at 12 o'clock on the day after the discussion in this House. My right hon. Friend, the Prime Minister, accepted the statement made as to what had occurred here, and the other House proceeded with its discussion on that assumption; whereas, if there had been an opportunity of informing the House that that statement was inaccurate, the whole of what afterwards transpired might have been spared. I am glad, my Lords, that my noble Friend has referred to this matter; because I am sure nothing could be more unlike my noble Friend, or more unworthy of a Member of your Lordships' House than the use of any such expression as that which has been wrongly imputed.

THE MARQUESS OF SALISBURY: I wish to say that I did not, in what I said, at all refer to anything that had fallen from my noble and learned Friend on the Woolsack in debate.

LORD STANLEY OF ALDERLEY said, that he had not lost a word of the whole of the discussion, and he begged to assure the noble and learned Lord on the Woolsack, that he had never had any misapprehension as to the fact that no reference had been made to him by the noble Marquess.

#### METROPOLITAN IMPROVEMENTS— THE NEW GOVERNMENT OFFICES— KNIGHTSBRIDGE BARRACKS.

##### QUESTION.

LORD REDESDALE wished to be informed as to the course intended to be taken by Her Majesty's Government in reference to the property on the west side of Parliament Street and adjacent to the new Government Offices. He urged that it would be advantageous on many grounds, for the Government to acquire the property and erect upon

the sites additional offices. In the first place, it would add greatly to the appearance of the neighbourhood in an architectural point of view; and, in the second, it would have the effect of concentrating the Government Offices, which at the present time were scattered about in Parliament Street, Whitehall Gardens, Pall Mall, St. James's Square, and other places. In a financial point of view, again, it would be advantageous to deal with the matter at once. The price of the property would go up year by year, and in the course of time it would be necessary to pay for it a much larger sum than would be necessary for its purchase at the present time. He hoped to receive some assurance that the matter was under the consideration of Her Majesty's Government, and also that the authorities of the War Office had not lost sight of the proposals which had been made for the removal of Knightsbridge Barracks. He confessed, he was opposed to the removal, and on the whole, saw no sufficient reason for it. It should be borne in mind that the houses in the neighbourhood had come to the barracks, not the barracks to the houses. Although, therefore, the inhabitants of the latter might be subjected to certain annoyances in consequence of their proximity to a military establishment, the Government ought to consider that if any alteration was made, another neighbourhood and other houses would be subjected to the annoyance instead of the fashionable locality in question. If it was necessary to widen the road near the barracks, it would, he thought, be best to do so on the side opposite, by the removal of the public-houses and other places whose existence in the neighbourhood had made the barracks objectionable. Under the circumstances he trusted the Government would not interfere in the matter.

EARL FORTESCUE agreed with his noble Friend that there was no hardship inflicted on those who resided in the immediate neighbourhood of Knightsbridge, and especially those who had built houses there, though their property was of course depreciated by the proximity of these barracks. Their removal would, of course, be looked on as a great boon to that neighbourhood; but he was entirely opposed to it: only, if done, he hoped it would be done in such a way as not unfairly to depreciate

the value of other property in some other neighbourhood.

THE EARL OF PEMBROKE said, that with regard to the question of Knightsbridge Barracks, the Secretary of State for War had listened to a great number of proposals, but he had not as yet come to any definite conclusion with regard to them.

EARL BEAUCHAMP said, that as regarded that part of the Question of the noble Lord which referred to the western side of Parliament Street, no conclusion had been resolved upon. As the new block of buildings had been completed, fresh opportunities of accommodation would be afforded in the old buildings; and when that was exhausted occasion might arise for deciding whether it would be necessary to acquire the site now occupied by the block of houses in Parliament Street.

House adjourned at a quarter-past Five o'clock, till tomorrow, Three o'clock.

## HOUSE OF COMMONS,

Thursday, 6th August, 1874.

The House met at Three of the clock.

### THE CAPE COLONY—THE BOUNDARY AT DELAGOA BAY.—QUESTION.

MR. ALEXANDER M'ARTHUR asked the Under Secretary of State for Foreign Affairs, When the question of the disputed Boundary at Delagoa Bay, which the English and Portuguese Government have agreed to refer to the President of the French Republic, will proceed to arbitration; whether he is aware that the Portuguese Government have published a series of Despatches in which their claims are set forth in considerable detail; and, whether, therefore, Her Majesty's Government will lay upon the Table the complete Correspondence?

MR. BOURKE: Sir, the Protocol by which it was agreed to refer to the President of the French Republic the question of the disputed Boundary at Delagoa Bay was signed on the 25th of September, 1872, and it stipulated that the cases were to be presented within 12

months from that time, and the counter cases within the next succeeding 12 months. The British case was presented on the 15th of September last, and the counter case will have to be presented by the 15th of next month. The Arbitrer is then to give his award "as early as convenient." Her Majesty's Government are not aware that the Portuguese Government have recently published any Despatches on the subject; and until the award of the Arbitrer has been given, Her Majesty's Government do not think it would be proper to lay on the Table any Papers on the subject.

### THE CHARITY COMMISSIONERS—ST. JOHN'S HOSPITAL, BATH.—QUESTION.

MR. DILLWYN asked Mr. Attorney General, If he will state to the House to whom he referred when, in answer to a Question by the honourable and gallant Member for Bath (Captain Hayter) he stated that his predecessors were responsible for the Clause in the Scheme for the regulation of St. John's Hospital, Bath, which would confine the governing body of that charity to persons signing a declaration of membership of the Church of England? The scheme was very objectionable, and hon. many Members were anxious to know whether anyone on that (the Opposition) side of the House was answerable for it.

THE ATTORNEY GENERAL, in reply, said, he was sorry his hon. Friend had thought it consistent with his duty to repeat to-day in a formal manner the Question which he put on Friday last in an informal manner, and which he (the Attorney General) had then declined to answer; lest, however, his motive in declining to answer should be misunderstood, he now proposed to reply to the Question. But, before doing so, he would, with the permission of the House, make a brief statement relative to the position of the Attorney General in regard to matters of this kind, because he did not think it desirable that popular opinion should be brought to bear on a Law Officer of the Crown, with the view of influencing him, when he had under his consideration matters on which he had to give a *quasi* judicial decision. In all matters relating to charities, the Attorney General was in a *quasi* judicial position, and this was particularly the case in *ex officio* proceedings like those



at present under consideration. In such cases the Attorney General was put in motion by the Charity Commissioners, and it became his duty to ascertain, as far as he could, what was the Law applicable to the circumstances placed before him. There was no doubt that in many cases a discretion was to be exercised by the Attorney General, but that discretion was not to be exercised according to party bias or political views, but in a judicial spirit. The Question of his hon. Friend implied that the Attorney General, who was responsible for the scheme, had been influenced by his political opinions, and what the hon. Gentleman had just stated bore out that view, for he had fairly enough stated that his reason for putting it was the anxiety felt by many hon. Members sitting on his side of the House lest a Liberal Attorney General was responsible for the scheme. The proceedings to which the hon. Gentleman referred were commenced while Lord Selborne was Attorney General, and they had been under the consideration of every Attorney General since, the Papers being very voluminous. When he answered the Question of the hon. and gallant Member for Bath the other day, he did not know who the Attorney General was when the particular question with reference to the trustees was first brought under consideration; but he had since found that it was his hon. and learned Friend the Member for Huntingdon (Sir John Karslake). He was in error, however, in stating, the other day, that the matter had been under discussion in Judges' Chambers. It had not got so far as that. The hon. and learned Member for Huntingdon, after giving the best consideration he could to the authorities bearing upon the question, directed the scheme to be prepared in the form in which it now was; but he at the same time gave directions that it should be sent down to Bath and published there, in order that the municipal trustees and every person interested in the matter might have a full opportunity of considering and discussing it. It had been discussed at a public meeting, at which objections were raised to the trustee clauses; but up to this moment it had not been taken to the Judges' Chambers, and would not be until October or November next, at which time it would be his duty, if he

continued to be Attorney General, to give full consideration to all the circumstances of the case, and particularly to the objections which had been raised; and he should not hesitate either to differ from, or to adhere to, the views of his hon. and learned Predecessor according to the view which he should then take of them, a course which he was sure his hon. and learned Friend would adopt were he then in office.

#### CRIMINAL LAW—SENTENCE ON A CABMAN.—QUESTION.

COLONEL LEARMONTH asked the Secretary of State for the Home Department. If his attention has been called to the case of the cabman, who was recently sentenced at the Middlesex Sessions to six months' imprisonment with hard labour for running over a boy while crossing St. Martin's Lane, and, whether, taking into consideration all the circumstances of the case, he is of opinion that the sentence is too severe?

SIR HENRY SELWIN-IBRETSON, in reply, said, no information of any sort had been submitted to the Home Secretary on this case, and until it was he was not in a position to say anything on the subject.

#### ARMY—KILMAINHAM HOSPITAL. QUESTION.

SIR JOHN GRAY asked the Chief Secretary for Ireland, If the Local Government Board, Ireland, received any report from the medical or other officers of the Kilmainham Hospital, Dublin, respecting the recent outbreak of typhoid fever in that institution; and, if not, will he, as President of the Board, cause an inquiry to be instituted, and a report to be made, as to the number of cases of typhoid fever that occurred in the hospital this year, the class of residences in which they occurred, the opinion of the medical officer, Dr. Carte, and of the medical gentlemen who were consulted as to the immediate cause of the outbreak, and place such report upon the Table of this House for the information of the sanitary authorities of the kingdom; and if, having regard to the fact that hygiene is not made a necessary part of the education of medical officers licensed for the Civil Service, the Local Government Board intends to adopt any means of en-

sureing that all medical officers hereafter to be appointed medical officers of dispensaries, and as such, sanitary officers of their dispensary districts, shall produce satisfactory evidence of their knowledge of hygiene as a requisite qualification for such appointment?

SIR MICHAEL HICKS-BEACH Sir, I have communicated by telegraph with Dublin, and find that the Local Government Board have no official relations with Kilmainham Hospital or with Dr. Carte, the medical officer, the hospital being under the War Department in Ireland. I understand, however, that the water supply of that establishment was not very good, and that there has been an outbreak of typhoid fever there. I am further given to understand that in consequence of this outbreak, provision was made to obtain a supply from the Vartry River. I believe that the works necessary are at present proceeding. There is no special hygienic qualification required for medical dispensary officers in Ireland, but all such officers are either "physicians and surgeons" or "surgeons and apothecaries," and must have been educated and examined in subjects which relate to what is called "hygiene," and as the legislation of the present Session has imposed important sanitary duties on these officers, this branch of medical knowledge will doubtless receive from them more careful attention than they may have hitherto bestowed upon it.

#### PUBLIC HEALTH ACT—WOOLWICH AND PLUMSTEAD NUISANCES.

##### QUESTION.

MR. BOORD asked the President of the Local Government Board, If any Correspondence has taken place between that Department and the War Office in reference to the nuisances arising from certain factories in the neighbourhood of Woolwich and Plumstead; and, if so, if he would have any objection to lay Copies of such Correspondence upon the Table of the House; and, if the attention of the Local Government Board is being directed to the subject?

MR. SCLATER BOOTH, in reply, said, there had been some Correspondence between the War Office and the Local Government Board upon the subject of these nuisances, but as the Correspondence was not yet completed it was

not usual to have Copies of it laid upon the Table. The matter was still receiving the attention of the Local Government Board. He had received a letter only two or three days ago to the effect that the factories which had been the subject of the most grievous complaints were now taking steps to remedy the evil, and he trusted in a short time some progress in that direction would be made.

#### LUNATIC ASYLUMS (IRELAND).

##### QUESTION.

MR. SYNAN asked the Chief Secretary for Ireland, Whether he can give any assurance that the Irish Government will revise the Rules and Regulations for the Government of Lunatic Asylums in Ireland, under the Act 8 and 9 Vic. c. 107, s. 9, with a view "to alter or revoke" the rule in relation to tenders that has given offence to some Governors of Lunatic Asylums in that country?

SIR MICHAEL HICKS-BEACH, reply, said, that the Rules and Regulations of the Irish Lunatic Asylums had recently been most carefully revised a Committee of the Irish Privy Council specially appointed for the purpose. Objection had been made by the Governors of the Limerick Lunatic Asylum to one of the Rules relating to tenders, and on inquiry it was found that the view of the Governors of other Lunatic Asylums in Ireland was not the same as that of the Governors of the Limerick Lunatic Asylum. He was informed that some of the Governors of the latter had resigned and others were likely to follow their example; and, therefore, he would consider whether it was in any way possible to alter the Rule in accordance with their wishes. It was evident, however, that there must be one uniform Rule for the whole of Ireland.

#### CONFERENCE AT BRUSSELS—RULES OF MILITARY WARFARE.

##### QUESTION.

SIR CHARLES W. DILKE asked the Under Secretary of State for Foreign Affairs, Whether, looking to the great anxiety that exists in the country on the subject of the Brussels Conference, will be possible to issue during the recess any Papers bearing upon the proceedings of that Conference?

Mr. BOURKE, in reply, said, that great interest was felt by the people of this country in the proceedings of the Brussels Congress, but he did not think that any anxiety was felt. He held in his hand the second part of the Correspondence, relating to the Rules that were proposed to govern military warfare, which he intended to lay on the Table. Should any other Correspondence take place during the Recess which the Secretary of State might think it desirable to publish it would be made public through the columns of *The London Gazette*.

## IRELAND—THE KILREA RIOTS.

## QUESTION.

Mr. MCCARTHY DOWNING asked the Chief Secretary for Ireland, Whether his attention has been called to the trials of the Kilrea riots at the London-Derry Assizes, and to the observations of the learned judge (Barry), who said—

“In one part of your remarks I agree with you, Mr. May—that this collateral issue has been fully developed, yet I am bound to say that Mr. Rea has opened up for my consideration one of the most startling events in my professional career—namely, that a number of men, armed with bludgeons, were allowed, by magistrates and police, to go here and there through the town, and commit two audacious acts of violence, while they were well known to the police:”

and who in charging the Jury observed—

“It is the wildest nonsense to think for a moment that an attack was not premeditated, or that the party armed with sticks and bludgeons would not have attempted to stop the processionists had the police not been there. So much for that: and now we come to another branch of the case which I wish to dispose of at once. I may say that this, the most unpleasant part of the case, consists in the fact that only four persons of the bludgeon party are for trial, although we have the fact proved that a body of bludgeon men, armed with weapons, prepared with sticks, not accidentally—that this organised party, well described as organised ruffians, committed under the eyes of two magistrates present, and in the presence of a large party of police, two distinct acts of riot, and we have it in evidence that a list of the names of the parties was taken down by an active and intelligent policeman at the time. That policeman is enabled to name not five, or six, or seven, or eight, but a whole string of names—I do not know how many—of these ruffians who were rioting in the town that day, and it is a lamentable thing that more of these men have not been sent for trial.”

Were 74 Catholics, the party attacked, made amenable to law, and only 11 of

the Orange party; and who were the magistrates referred to; and would the Executive institute an inquiry into their conduct?

SIR MICHAEL HICKS-BEACH, in reply, said, that as the hon. Gentleman's Question had been laid on the Table only that morning, he had been unable to obtain the necessary information to answer it fully. The observations which were attributed to Mr. Justice Barry on the occasion which was referred to were quoted from a newspaper, and must be received with considerable doubt, and he had no official Report. He was afraid that both parties in these unfortunate riots were equally to blame. They had been dealt with with perfect impartiality, and a great many of the offenders had been committed for trial, Mr. May, the Law Adviser of the Castle, having been sent especially to conduct the case. The Attorney General for Ireland, he might add, would shortly have an opportunity of communicating with Mr. May on the subject.

## ARMY—PLUMSTEAD COMMON.

## QUESTION.

SIR CHARLES W. DILKE asked the Secretary of State for War, If he would explain to the House why, if the use of Plumstead Common for Artillery exercise is defended on grounds of prescriptive use, the War Office has, since the date of the determination of the suits against the lords of the manor, taken a lease of the manorial rights from the Lords?

Mr. GATHORNE HARDY, in reply, said, it appeared from the Question put to him by the hon. Baronet that there was some dispute with regard to the title, but he disclaimed having rested the rights of the War Office on the grounds stated by the hon. Baronet. In the Answer he had already given, he said the War Office had used the Common since 1745, and continued still to do so. In view of further proceedings being taken, he must decline to make any further statement on the subject of title.

## EXCISE (IRELAND)—CORN STORES, &amp;c.

## QUESTION.

Mr. CALLAN asked the Chief Secretary for Ireland, What reasons, if any, exist for subjecting the stores of corn

c. 60]; Royal (late Indian) Ordnance Corps Compensation [37 & 38 *Vict.* c. 61]; Evidence Law Amendment (Scotland) [37 & 38 *Vict.* c. 64]; Education Department Orders [37 & 38 *Vict.* c. 90]; Statute Law Revision (No. 2) [37 & 38 *Vict.* c. 96]; Conveyancing and Land Transfer (Scotland) [37 & 38 *Vict.* c. 94]; Public Health (Ireland) [37 & 38 *Vict.* c. 93]; Colonial Clergy [37 & 38 *Vict.* c. 77]; Foyle College [37 & 38 *Vict.* c. 79]; Vaccination Act, 1871, Amendment [37 & 38 *Vict.* c. 75]; Church Patronage (Scotland) [37 & 38 *Vict.* c. 82]; Valuation (Ireland) Act Amendment [37 & 38 *Vict.* c. 70]; Lough Corrib Navigation [37 & 38 *Vict.* c. 71]; Registration of Births and Deaths [37 & 38 *Vict.* c. 88]; Sanitary Laws Amendment [37 & 38 *Vict.* c. 89]; Endowed Schools Acts Amendment [37 & 38 *Vict.* c. 87]; Royal Irish Constabulary and Dublin Metropolitan Police [37 & 38 *Vict.* c. 80]; Private Lunatic Asylums (Ireland) [37 & 38 *Vict.* c. 74]; Post Office Savings Bank [37 & 38 *Vict.* c. 73]; Great Seal Offices [37 & 38 *Vict.* c. 81]; Fines Act (Ireland) Amendment [37 & 38 *Vict.* c. 72]; Expiring Laws Continuance [37 & 38 *Vict.* c. 76]; Supreme Court of Judicature Act (1873) Suspension [37 & 38 *Vict.* c. 83]; Commissioners of Works and Public Buildings [37 & 38 *Vict.* c. 84]; Irish Reproductive Loan Fund [37 & 38 *Vict.* c. 86]; India Councils [37 & 38 *Vict.* c. 91]; Public Worship Regulation [37 & 38 *Vict.* c. 85]; Turnpike Acts Continuance [37 & 38 *Vict.* c. 95]; Local Government Board's Provisional Orders Confirmation (No. 5) [37 & 38 *Vict.* c. clxxxii.]; Elementary Education Provisional Order Confirmation [37 & 38 *Vict.* c. clxxxiv.]; Tramways Provisional Orders Confirmation [37 & 38 *Vict.* c. clxxxiii.]; Local Government Board (Ireland) Provisional Order Confirmation [37 & 38 *Vict.* c. clxxxvi.]; Pier and Harbour Orders Confirmation [37 & 38 *Vict.* c. clxxxv.].

#### PROROGATION OF THE PARLIAMENT —HER MAJESTY'S SPEECH.

The PARLIAMENT was this day prorogued by Commission.

THE LORD CHANCELLOR acquainted the House that Her Majesty had been pleased to grant two several Commissions, one for declaring Her Royal Assent to several Acts agreed upon by both Houses of Parliament, and the other for proroguing the Parliament:—And the LORDS COMMISSIONERS—namely, The LORD CHANCELLOR; The LORD STEWARD OF THE HOUSEHOLD (The Earl Beauchamp); The EARL OF DERBY (Secretary of State for Foreign Affairs); The EARL OF BRADFORD (The Master of the Horse); and The LORD SKELMERSDALE—being in their Robes, and seated on a Form between the Throne and the Woolsack; and the COMMONS being come, with their Speaker, and the Com-

mission to that purpose being read, ~~the~~ ROYAL ASSENT was given to several Bills.

Then THE LORD CHANCELLOR delivered HER MAJESTY'S SPEECH, as follows:—

“My Lords, and Gentlemen,

“The time has arrived when I am enabled to release you from your attendance in Parliament.

“In so doing, my first wish is to thank you for the readiness with which you have made provision for my son Prince Leopold on his attaining his majority.

“My relations with all Foreign Powers continue to be friendly, and the influence arising from those cordial relations will be employed, as heretofore, in maintaining the obligations imposed by Treaties, and in promoting and consolidating the Peace of Europe.

“The Emperor of Russia having made proposals for a Conference to be held at Brussels, the object of which is to lessen, by judicious regulations, the severities of war, I have, in common with other Powers, authorised a Delegate to attend that Conference; but, before doing so, I have thought it right to obtain assurances from all the Powers thus represented, that no proposal shall be brought forward calculated either to alter the recognised rules of international law, or to place restrictions on the conduct of naval operations. The recommendation which may issue from the Conference will have my careful consideration; but I have reserved to myself full freedom of action in regard to their acceptance or rejection.

“Negotiations have been undertaken for the renewal of the Recipro-

reaty formerly in force between  
ominion of Canada and the  
States of America. These  
tions, commenced at the desire  
the interest of the Dominion,  
een temporarily suspended by  
ljournment of the American  
. They will be revived at an  
ate, and it is my hope that they  
ad to an increase of commercial  
urse between my colonial sub-  
nd the citizens of the United

deeply lament the continu-  
n Spain of disturbances which  
single exception to the general  
illity of Europe; but, while  
ly desiring the restoration of  
and civil order in that country,  
ve that this result will be most  
brought about by a rigid absti-  
from interference in the inter-  
fairs of an independent and  
y State.

ie Treaty recently concluded  
he Sultan of Zanzibar, having  
object the suppression of East  
a Slave Trade, has been faith-  
observed, and has already done  
to put an end to that traffic as  
on by sea. The exertions of  
aval and Consular servants, in  
art of the world, will not be  
l until complete success has  
btained.

am thankful to say that the  
in India has, as yet, been at-  
with little mortality, a result  
attributable, under Providence,  
precautions taken by my Indian  
ment. The strenuous exer-  
of my Viceroy, and of the offi-  
ring under him, merit my high  
ation.

"Since the close of hostilities on  
the Gold Coast, steady progress has  
been made in the task of pacifying the  
country and of organising its adminis-  
tration. Treaties of Peace have been  
concluded with important tribes, and  
the King of Ashanti has persevered in  
the discharge of his obligations to this  
country.

*"Gentlemen of the House of  
Commons,*

"I acknowledge the liberality with  
which you have provided for the  
charges of the State.

*"My Lords, and Gentlemen,*

"I have seen with pleasure the con-  
siderable reductions which you have  
been able to make in taxation. The  
total abolition of the sugar duties will  
not only confer a benefit on the con-  
sumers of an article in universal  
demand, but will also prove of much  
commercial advantage to the nation.  
The removal of the duty on horses is  
another measure well calculated to  
encourage the trade and industry of  
the country. Concurrently with these  
remissions, and with a further reduction  
of the Income Tax to a rate which is  
little more than nominal, you have  
been enabled to make important grants  
from the general revenue towards ser-  
vices which, though of Imperial con-  
cern, have hitherto been defrayed,  
either exclusively or in an undue pro-  
portion, out of local rates. I trust that  
these measures, when their full effect  
shall have been felt, will conduce to  
the general prosperity of the country,  
and will impart increased elasticity to  
the revenue.

"Although your Session has been  
unavoidably curtailed of a third of its  
usual duration, I observe with satis-

faction that you have been able to carry measures of general interest and importance.

"I have cordially given my assent to the Act "for improving the health of women, young persons, and children employed in manufactures." By this measure I anticipate that not only will the health and education of the classes affected by it be promoted, but that the relations between the employers and employed in those important branches of industry will be maintained on a footing of enduring harmony and mutual good-will.

"I have readily sanctioned the Act for the reform of the system of Patronage in the Church of Scotland. I trust that the removal of this ancient cause of controversy may both strengthen the Church and conduce to the religious welfare of a large number of my subjects.

"The Act for the better regulation of Public Worship in the Church of England will, I hope, tend to prevent or allay the unhappy controversies which sometimes arise from the difficulty experienced in obtaining an early decision on doubtful points of law, and a definitive interpretation of the authorised form of public worship. Such controversies, even when they occur between persons loyally desirous to conform to the doctrine and discipline of the Established Church, beget serious evils, and their speedy termination by competent authority is a matter of grave importance to the interests of religion.

"The legal measures which you have passed with reference to the Limitation of Actions for Real Property, the Law of Vendors and Purchasers, and Land Rights and Con-

veyancing in Scotland, as well as the Acts for regulating the sale of Intoxicating Liquors, and for carrying forward Sanitary Legislation in the United Kingdom, may be expected to be productive of public advantage and satisfaction.

"The Commission issued by me for inquiring into the state and working of the law as to offences connected with trade has been unable to complete its labours in time to admit of legislation during the Session now about to terminate; and I regret that the pressure of business in the House of Commons has made it necessary to suspend the consideration the measures for facilitating the Transfer of Land in England, for re-arranging the Judicature of England and Ireland, and for establishing an Imperial Court of Appeal. These subjects will naturally claim your earliest attention in a future Session.

"In returning to your counties and constituencies, you will have the opportunity of beneficially exercising that influence which is the happy result of our local institutions, and I pray that the blessing of the Almighty may accompany you in the discharge of all your duties.

Then a Commission for proroguing the Parliament was read.

After which,

THE LORD CHANCELLOR said—

*My Lords, and Gentlemen,*

By virtue of Her Majesty's Commission, under the Great Seal, to us and other Lords directed, and now read, we do, in Her Majesty's Name, and in obedience to Her Commands, prorogue this Parliament to Friday the Twenty-third day of October next, to be then held; and this Parliament is accordingly prorogued to Friday the Twenty-third day of October next.

## HOUSE OF COMMONS,

*Friday, 7th August, 1874.*House met at half after Two of  
k.VERTED ELECTIONS — WIGTOWN  
DISTRICT OF BURGHS.

BAKER informed the House, that he  
ved from Lord Neaves, one of the  
or the time being for the trial of  
Petitions in Scotland, pursuant to the  
stary Elections Act, 1868, a Certificate  
to the Election for the Wigtown  
of Burghs, to the effect that Mark  
wart was duly elected and returned as  
of Parliament for the said Wigtown  
f Burghs.

## Y—KILMAINHAM HOSPITAL.

## QUESTION.

JOHN GRAY asked the Secretary  
for War, If he received any  
rom the medical or other officers  
Kilmainham Hospital, Dublin,  
ng the recent outbreak of typhoid  
that institution, and its sup-  
rigin; and, if not, will he cause  
iry to be instituted, and a report  
ade, as to the number of cases  
oid fever that occurred in the  
this year, the class of residences  
h they occurred, the opinion of  
ical officer, Dr. Carte, and of the  
gentlemen who were consulted  
e immediate cause of the out-  
and place such report upon the  
this House for the information  
sanitary authorities of the King-

LATHORNE HARDY, in reply,  
e Reports relating to the Hos-  
re not laid before the War Office,  
re the Commanding Officer in

A communication would be  
the subject to the Commanding  
who, he had no doubt, would  
the desired information, and he  
ted there would be no objection  
; the particulars before Parlia-

## GENERAL ELECTION RETURNS.

## QUESTION.

HENRY HAVELOCK (for Mr.  
asked the Secretary of State for  
ne Department, When the Re-

turn relative to the General Election  
ordered on the 20th March last, will be  
presented; and, in case particulars have  
not yet been received from every county,  
division of county, and borough, to give  
the names of the counties, divisions of  
counties, and boroughs from which par-  
ticulars have not been received, and  
to state what course he proposes to pur-  
sue with reference thereto?

MR. ASSHETON CROSS, in reply,  
said, that the Returns were now practi-  
cally complete, with the exception of  
those relating to the counties of Angle-  
sey and Carnarvon, and the boroughs of  
Chelsea and Grantham. He hoped the  
Returns would be ready for circulation  
in a very short time.

## FIRST FRUITS AND TENTHS.

## QUESTION.

MR. MONK asked the Secretary of  
State for the Home Department, Whe-  
ther he has considered the Report of the  
Convocation of the Province of Canter-  
bury with respect to the abolition of  
First Fruits, and the re-adjustment of  
Tenths; and, if so, whether the Govern-  
ment are prepared to take the recom-  
mendations contained in that Report  
into consideration, with a view to legis-  
lation next Session?

MR. ASSHETON CROSS, in reply,  
said, he could not promise that the Go-  
vernment would bring in a Bill on the  
subject, as there would be so much to  
be done next Session; but it was un-  
doubtedly a subject which deserved the  
attention of Parliament. The hon. Mem-  
ber himself would be rendering great  
assistance, with a view to legislation  
upon this subject, if he would submit a  
Bill embodying his views.

METROPOLIS—THE KNIGHTSBRIDGE  
BARRACKS.—QUESTION.

LORD ERNEST BRUCE asked the  
First Commissioner of Works, Whether  
there is any prospect of Her Majesty's  
Government being shortly enabled to  
remove the Life Guards' Barracks from  
Hyde Park to some other situation, so  
as to widen the important thoroughfare  
of Knightsbridge, and thus confer a  
great boon on the public, especially on  
that important and constantly increasing  
district of the Metropolis?

LORD HENRY LENNOX, in reply,  
said, he was afraid he could give no other

Answer to the Question of his noble Friend than that which was given on the same subject in "another place" last week. The question of the Knightsbridge Barracks was under the consideration of the Government; but even if they should disappear, his noble Friend must not be too confident as to the space being used for the purpose of widening the road to Kensington, as other interests would interfere which might still withhold from his noble Friend the boon he now sought.

**PALACE OF WESTMINSTER—THE  
WATER-GLASS PICTURES.**

**QUESTION.**

MR. ERRINGTON asked the Chief Commissioner of Works, Whether it be true, as stated in the "Morning Post" of the 5th instant, that Mr. Richmond, R.A., has examined the two water-glass pictures by the late Mr. Maclise in the Royal Gallery of the Palace of Westminster, and has ascertained that they are not permanently injured; and, whether it be true that the "efflorescence" which exhibited itself some time ago has been removed?

LORD HENRY LENNOX: Sir, in answer to the Question of the hon. Member for Longford County, I have to say that the "efflorescence" in question on the magnificent frescoes of Maclise of the meeting of Wellington and Blücher commenced to show itself shortly after the picture was completed in 1861, and from that time it has unhappily spread over the whole face of the picture. For myself, I wish I could say positively that the picture is not permanently injured. More than a year ago Mr. Richmond examined the picture, and he stated that in his opinion by a delicate treatment he could remove the "efflorescence" without injury to the rest of the picture. That opinion, however, was contradicted by other artists as eminent as Mr. Richmond, and the matter was allowed to drop. With regard to the second part of the Question, I would only ask the hon. Member to call this afternoon at the Royal Gallery, and he will see for himself most painfully that the "efflorescence" has not been removed.

**IRELAND—POLICE FORCE IN  
TIPPERARY.—QUESTION.**

SIR JOHN GRAY (for Mr. MOORE) asked the Chief Secretary for Ireland,

*Lord Henry Lennox*

Whether it is true that whilst the South Riding of County Tipperary is charged at the rate of £1,150 a-year for the maintenance of an extra police force of sixty-one men, not a single man of that extra force is in the county; if he would explain to the House what is the cause of such a state of things, and how long it has existed; and, whether, under those circumstances, he will withdraw the charge altogether?

SIR MICHAEL HICKS-BEACH: It is true, Sir, that the South Riding of the County Tipperary is now subject to an annual charge of about the amount named in the Question for extra police force; but it is by no means accurate to state that not a single man of that extra force is in the Riding. There are a considerable number of vacancies in the total nominal force of the South Riding, but not more than the average number for the whole of Ireland. By 29 & 30 Vict., c. 103, s. 14, these vacancies are distributed proportionately between the free and extra force, and the county is allowed a reduction in the charge for extra force, corresponding to the number of vacancies held to exist therein. As it would not be equitable that one county should be more fully maintained than another, it would become necessary, if the extra force of the South Riding were abolished, to march 46 men, or thereabouts, out of the Riding. It is for these 46 that a charge is being at present made, being the number whose services are thereby secured to the Riding. The amounts charged to the Riding have been calculated as directed by Act of Parliament, and are strictly correct.

**ARMY—MILITARY OUTRAGE AT  
ALDERSHOT.—QUESTION.**

SIR WILFRID LAWSON asked the Secretary of State for War, Whether he has received any information as to the outrage said to have been perpetrated by soldiers at Aldershot?

MR. GATHORNE HARDY, in reply said, that last night he received a telegram, which had been confirmed by letter, that no outrage had been perpetrated on women, but that certain recruits connected with one of the regiments at Aldershot broke out of the barracks during the night, and attacked some public-houses and some houses



character in the neighbourhood. were arrested by the military force of them being handed over to civil power, and the others to the authorities.

#### APPELLATE JURISDICTION.

##### OBSERVATIONS.

GEORGE BOWYER said, he called attention to what he regarded as the dictatorial nature of a measure which had been made by a Member of the Government in "another" on the previous day. The noble Lord in question had endeavoured to put the Government not to reconsider the question of the jurisdiction of the House of Lords as the final Court of appeal, but to re-introduce the Judiciary Bill in the shape in which they had withdrawn.

SPEAKER reminded the hon. Member that there was no Question before the House.

GEORGE BOWYER said, in answer, to put himself in Order, he moved the adjournment of the House.

He believed that the withdrawal of the Bills had given great satisfaction to the Judges and to the Bar in Ireland and Scotland, and certainly to the Bar in England. In Ireland the abolition of the appellate jurisdiction of the House of Lords was looked upon as uncalled for, unnecessary, unconstitutional, and revolutionary; and it was considered that the Court which was to be constituted in lieu of the House of Lords was unsatisfactory, and certainly not carry with it that weight, and experience which belonged to the Upper House. He trusted the Government would not allow themselves to be dictated to by the noble Lord to whom reference had been made, and who, with another noble Lord, had adopted a most dictatorial

Motion made, and Question proposed, "That this House do now adjourn."—  
(*Sir George Bowyer.*)

MR. M'CARTHY DOWNING wished it to be understood that the hon. Baronet had not expressed the general feeling of the Irish Members, and he trusted that the Government would not listen to the hon. Baronet's suggestion.

Question put, and *negatived*.

#### PROROGATION OF THE PARLIAMENT.

Message to attend The LORDS COMMISSIONERS:—

The House went:—and a Royal Commission to that purpose having been read, the *Royal Assent* was given to several Bills.

And afterwards Her Majesty's Most Gracious Speech was delivered to both Houses of Parliament by The Lord High Chancellor, in pursuance of Her Majesty's Command.

Then a Commission for proroguing the Parliament was read.

After which,

THE LORD CHANCELLOR said—

*My Lords, and Gentlemen,*

By virtue of Her Majesty's Commission, under the Great Seal, to us and other Lords directed, and now read, we do, in Her Majesty's Name, and in obedience to Her Commands, prorogue this Parliament to Friday the Twenty-third day of October next, to be then here holden; and this Parliament is accordingly prorogued to Friday the Twenty-third day of October next.

## ENDOWED SCHOOLS ACTS AMENDMENT BILL.

The following is a Revised Report of the Right Hon. HUGH LAW<sup>r</sup>'s  
Speech in Committee on the Endowed Schools Acts Amend~~ment~~  
ment Bill, in the House of Commons, July 23, 1874.

MR. LAW denied that in a school endowment before 1688, or, at all events, before 1662, a direction that a child should attend church was equivalent to a direction that it should be instructed according to the doctrines and formularies of the present Church of England. The history of the Church of England was entirely opposed to such a notion. For more than a century the Puritans were as much a party within the Church as the Evangelicals or Broad Church party were now. At the Convocation held in 1562, their propositions for altering the formularies to which they objected were voted for by a majority of those actually present, though the Ritualists of that day, by the use of proxies, carried their rejection by a majority of 1. What, again, he asked, was the state of the Church whilst Richard Baxter for many years held the benefice of Kidderminster, and was thought worthy of being offered the see of Worcester? Why, the simple fact

that 2,000 clergymen were expelled from their benefices as a consequence of the passing of the Act of Uniformity was sufficient in itself to establish the reasonableness of the view he took. He should be glad to have an explanation as to what was meant by the sentence at the end of the clause providing that any legal evidence with reference to these foundations should be admissible in evidence? That could not be regarded as mere surplusage; especially after the statement of the hon. and learned Member for Cambridge, that any obscurity in the language of the clause was attributable to the draftsman's over anxiety to be concise. Judges would have to find some meaning in these words beyond the declaration that legal evidence should be legal evidence; and as he saw Her Majesty's Attorney and Solicitor General in their places, he hoped one of them would inform the House what was the real object thus sought to be attained.

# SITTINGS OF THE HOUSE, SESSION 1874.

RETURN to an Order of the Honourable The House of Commons,  
dated 27 July 1874 :—for,

A RETURN "of the Number of Days on which THE HOUSE SAT in the Session of 1874, stating for each Day, the Date of the Month, and the Day of the Week, the Hour of Meeting, and the Hour of Adjournment; and the Total Number of Hours occupied in the Sittings of The House, and the Average Time; and showing the Number of Hours on which The House Sat each Day, and the Number of Hours after Midnight; and the Number of Entries in each Day's Votes and Proceedings" (in continuation of Parliamentary Paper, No. 0.112, of Session 1873).

(Sir Charles Forster.)

Month.	Day.	House met.	House adjourned.	Hours of Sitting.	Hours after Midnight.	Entries in Votes.	Month.	Day.	House met.	House adjourned.	Hours of Sitting.	Hours after Midnight.	Entries in Votes.
		H. M.	H. M.	H. M.	H. M.				H. M.	H. M.	H. M.	H. M.	
1874							1873						
Mar. 5	Th	2	3 0	1 0	- -	6	May 1	F	4	12 30	8 30	0 30	90
" 6	F	2	5 15	3 15	- -	5	" 4	M	4	12 0	8 0	- -	77
" 7	S	2	4 0	2 0	- -	2	" 5	Tu	4	1 0	9 0	1 0	92
" 9	M	2	3 15	1 15	- -	30	" 6	W	12	5 45	5 45	- -	65
" 12	Th	3	4 0	1 0	- -	44	" 7	Th	4	1 15	9 15	1 15	89
" 19	Th	2	8 0	6 0	- -	79	" 8	F	4	1 0	9 0	1 0	73
" 20	F	4	12 45	8 45	0 45	281	" 11	M	4	1 0	9 0	1 0	117
" 21	S	12	2 0	2 0	- -	179	" 12	Tu	4	7 30	3 30	- -	75
" 23	M	4	6 45	2 45	- -	90	" 13	W	12	5 50	5 50	- -	83
" 24	Tu	4	7 0	3 0	- -	79	" 14	Th	4	2 0	10 0	2 0	88
" 25	W	12	3 0	3 0	- -	30	" 15	F	4	1 0	9 0	1 0	97
" 26	Th	4	5 15	1 15	- -	115	" 18	M	4	1 0	9 0	1 0	127
" 27	F	4	7 15	3 15	- -	93	" 19	Tu	4	11 0	7 0	- -	102
" 28	S	12½	1 0	0 30	- -	11	" 20	W	12	5 50	5 50	- -	57
" 30	M	4	11 45	7 45	- -	82	" 21	Th	4	1 45	9 45	1 45	127
" 31	Tu	4	5 30	1 30	- -	132	" 22	F	4	7 30	3 30	- -	81
Total...	16	- -	- -	48 15	0 45	1,258	Total...	16	- -	- -	121 55	10 30	1,440
Apr. 13	M	4	9 45	5 45	- -	75	June 1	M	4	1 0	9 0	1 0	122
" 14	Tu	4	8 0	4 0	- -	55	" 2	Tu	4	1 45	9 45	1 45	111
" 15	W	12	5 45	5 45	- -	45	" 4	Th	4	2 0	10 0	2 0	134
" 16	Th	4	12 30	8 30	0 30	70	" 5	F	4	1 30	9 30	1 30	95
" 17	F	4	1 30	9 30	1 30	59	" 8	M	4	1 45	9 45	1 45	148
" 20	M	4	2 0	10 0	2 0	73	" 9	Tu	4	8 30	4 30	- -	62
" 21	Tu	4	7 45	3 45	- -	65	" 10	W	12	5 50	5 50	- -	85
" 22	W	12	4 0	4 0	- -	34	" 11	Th	4	2 15	10 15	2 15	106
" 23	Th	4	1 0	9 0	1 0	57	" 12	F	4	1 0	9 0	1 0	62
" 24	F	4	10 15	6 15	- -	57	" 15	M	4	2 15	10 15	2 15	101
" 27	M	4	1 30	9 30	1 30	84	" 16	Tu	4	1 45	9 45	1 45	80
" 28	Tu	4	12 45	8 45	0 45	69	" 17	W	12	5 50	5 50	- -	52
" 29	W	12	5 50	5 50	- -	42	" 18	Th	4	2 15	10 15	2 15	75
" 30	Th	4	2 15	10 15	2 15	76	" 19	F	2	1 0	11 0	1 0	66
							" 22	M	4	12 0	8 0	- -	81
							" 23	Tu	4	1 15	9 15	1 15	64
							" 24	W	12	5 55	5 55	- -	55
							" 25	Th	4	1 15	9 15	1 15	83
							" 26	F	4	1 0	9 0	1 0	64
							" 29	M	4	1 15	9 15	1 15	70
							" 30	Tu	4	12 30	8 30	0 30	57
Total...	14	- -	- -	100 50	9 30	861	Total...	21	- -	- -	183 50	23 45	1,773

# SITTINGS OF THE HOUSE, SESSION 1874.

Month.	Day.	House met.	House ad-journed.	Hours of Sitting.	Hours after Midnight	Entries in Votes.	Month.	Day.	House met.	House ad-journed.	Hours of Sitting.	Hours after Midnight.	Entries in Votes.
1874		H.	H. M.	H. M.	H. M.		cont.		H.	H. M.	H. M.	H. M.	
July	1 W	12	5 50	5 50	- -	63	July 25 Sa	12	6 45	6 45	- -	- -	27
"	2 Th	4	1 45	9 45	1 45	70	" 27 M	4	3 30	11 30	3 30	- -	85
"	3 F	2	2 15	12 15	2 15	66	" 28 Tu	4	2 15	10 15	2 15	- -	66
"	6 M	4	1 15	9 15	1 15	74	" 29 W	12	5 55	5 55	- -	- -	43
"	7 Tu	4	2 15	10 15	2 15	65	" 30 Th	4	3 45	11 45	3 45	- -	64
"	8 W	12	5 50	5 50	- -	48	" 31 F	2	2 0	12 0	2 0	- -	16
"	9 Th	4	3 30	11 30	3 30	81	Total...	24	- -	- -	229 55	41 45	1,221
"	10 F	2	9 10	7 10	- -	69	Aug. 1 S	12	2 0	2 0	- -	- -	18
"	13 M	4	3 30	11 30	3 30	79	" 3 M	4	1 0	9 0	1 0	- -	67
"	14 Tu	4	2 45	10 45	2 45	58	" 4 Tu	4	1 15	9 15	1 15	- -	59
"	15 W	12	6 45	6 45	- -	38	" 5 W	12	5 15	5 15	- -	- -	40
"	16 Th	4	2 15	10 15	2 15	88	" 6 Th	3	4 15	1 15	- -	- -	64
"	17 F	2	1 45	11 45	1 45	70	" 7 F	3	Prorogation.				55
"	20 M	4	2 15	10 15	2 15	81	Total...	6	- -	- -	26 45	2 15	204
"	21 Tu	4	2 15	10 15	2 15	62							
"	22 W	12	5 55	5 55	- -	50							
"	23 Th	4	2 30	10 30	2 30	56							
"	24 F	2	2 0	12 0	2 0	62							

## SUMMARY.

Month.	Days of Sitting.	Hours of Sitting.	Hours after Midnight.	Entries in Votes.
1874		H. M.	H. M.	
March.....	16	49 15	0 45	1,258
April.....	14	101 50	9 30	861
May.....	16	122 55	10 30	1,440
June.....	21	184 50	23 45	1,773
July.....	24	229 25	41 45	1,521
August.....	6	26 45	2 15	294
Total.....	97	712 0	88 30	7,147

Average Time of Sitting, 7 Hours 20 Minutes.

## DIVISIONS OF THE HOUSE, SESSION 1874—(PARL. PAPER 0.126.)

### SUMMARY.

Number of Divisions on Public Business before Midnight	...	...	90
Ditto " after Midnight	...	...	70
Ditto—Private Business before Midnight	...	...	2
Ditto " after Midnight	...	...	—
Total Number of Divisions in Session 1874	...	...	162

# TABLE OF ALL THE STATUTES

PASSED IN THE FIRST SESSION OF

TWENTY-FIRST PARLIAMENT OF THE UNITED KINGDOM

OF GREAT BRITAIN AND IRELAND.

37 & 38 VICTORIA.—A.D. 1874.

## PUBLIC GENERAL ACTS.

ct to apply the sum of one million  
r hundred and twenty-two thousand  
ndred and ninety-seven pounds four-  
lings and sixpence out of the Con-  
Fund to the service of the years  
the thirty-first day of March one  
eight hundred and seventy-three  
thousand eight hundred and seventy-

to apply the sum of seven million  
out of the Consolidated Fund to the  
f the year ending the thirty-first day  
b one thousand eight hundred and  
ive.

to enable the Secretary of State in  
f India to raise Money in the United  
for the Service of the Government

for punishing Mutiny and Desertion,  
the better payment of the Army and  
rters.

for the Regulation of Her Majesty's  
rine Forces while on shore.

to amend the Acts relating to Cattle  
n Ireland.

to amend the Law respecting the  
of the Assistant Judge of the Court  
essions of the Peace for the county of  
x, and his deputy, and the Chairman  
cond Court at such Sessions.

to make provision for the taking of  
Dues in the Isle of Man.

to authorise an Advance out of the  
ted Fund of the United Kingdom  
blic Works Loan Commissioners, for  
them to make Loans to School  
pursuance of the Elementary Edu-  
t, 1873.

to apply the sum of thirteen million  
ut of the Consolidated Fund to the  
the year ending the thirty-first day

of March one thousand eight hundred and  
seventy-five.

11. An Act for altering the shooting season for  
Grouse and certain other Game Birds in  
Ireland.

12. An Act to make provision for the transfer  
of the assets and liabilities of the Bengal and  
Madras Civil Service Annuity Funds, and the  
Annuity Branch of the Bombay Civil Fund,  
to the Secretary of State for India in  
Council.

13. An Act to extend to the present Bishop of  
Calcutta the Regulations made by Her Ma-  
jesty as to the leave of absence of Indian  
Bishops.

14. An Act to render valid Marriages heretofore  
solemnized in the Chapel of Ease called  
"Saint Paul's Church at Pooley Bridge," in  
the parish of Barton in the county of West-  
moreland.

15. An Act to amend the Act of sixteenth and  
seventeenth Victoria, chapter one hundred  
and nineteen, intituled "An Act for the Sup-  
pression of Betting Houses."

16. An Act to grant certain Duties of Customs  
and Inland Revenue, to repeal and alter other  
Duties, and to amend the Laws relating to  
Customs and Inland Revenue.

17. An Act to render valid Marriages heretofore  
solemnized in the Chapel of Ease called Saint  
John the Evangelist, at Bentley, in the parish  
of Shustock in the county of Warwick.

18. An Act to appoint additional Commissioners  
for executing the Acts for granting a Land  
Tax and other rates and taxes.

19. An Act to amend "The Stamp Act, 1870,"  
in regard to the Stamp Duty payable by Ad-  
vocates in Scotland on admission as Barristers  
in England or Ireland, and by Barristers in  
England or Ireland on admission as Advocates  
in Scotland.

20. An Act to provide for the Exemption of Churches and Chapels in Scotland from Local Rates and Assessment.
21. An Act for the discontinuance of the Four Courts Marshalsea (Dublin), and the removal of Prisoners therefrom.
22. An Act to relieve Revenue Officers from remaining Electoral Disabilities.
23. An Act to amend the Acts regulating the Salaries of Resident Magistrates in Ireland and the Salaries of the Chief Commissioner and Assistant Commissioner of Police of the Police District of Dublin Metropolis.
24. An Act to empower the Public Works Loan Commissioners to advance a sum of money, by way of loan, for the improvement of the Harbour of Colombo in the colony of Ceylon.
25. An Act to remove the Restrictions contained in the British White Herring Fishery Acts in regard to the use of Fir Wood for Herring Barrels.
26. An Act to make provision respecting the Stamp Duty on Transfers of Stock of the Government of Canada.
27. An Act to regulate the Sentences imposed by Colonial Courts where jurisdiction to try is conferred by Imperial Acts.
28. An Act to further amend the Law relating to Juries in Ireland.
29. An Act to amend the Law relating to the Militia.
30. An Act to transfer parts of the Holyhead Old Harbour Road from the Board of Trade to the Local Board of Health of the town of Holyhead; and for other purposes.
31. An Act to amend the Conjugal Rights (Scotland) Amendment Act, 1861.
32. An Act to amend "The Drainage and Improvement of Lands Act (Ireland), 1863."
33. An Act to extend the Powers of the Leases and Sales of Settled Estates Act.
34. An Act to amend the Act of the fifty-fifth year of King George the Third, chapter one hundred and ninety-four, intituled "An Act for better regulating the Practice of Apothecaries in England and Wales."
35. An Act for further promoting the Revision of the Statute Law by repealing certain Enactments which have ceased to be in force or have become unnecessary.
36. An Act to render Personation, with intent to deprive any Person of Real Estate or other property, Felony.
37. An Act to alter and amend the Law as to Appointments under powers not exclusive.
38. An Act to extend the Jurisdiction of Courts of the Colony of the Straits Settlements to certain Crimes and Offences committed out of the Colony.
39. An Act to provide for the exception of the Borough of Wenlock from the category of boroughs under the "Elementary Education Act, 1870."
40. An Act to amend the powers of the Board of Trade with respect to inquiries, arbitrations, appointments, and other matters under special Acts, and to amend the Regulation of Railways Act, 1873, so far as regards the reference of differences to the Railway Commissioners in lieu of Arbitrators.
41. An Act to amend "The Colonial Attornies Relief Act."
42. An Act to consolidate and amend the Law relating to Building Societies.
43. An Act to amend the Alkali Act, 1862.
44. An Act to make better provision for improving the health of women, young persons, and children employed in manufactures, and to amend the Factory Acts.
45. An Act for altering the Boundaries of the Liberty of St. Alban and the County of Hertford; and for making provision for the Transaction of County Business, and the Administration of Justice at Quarter Sessions in that County.
46. An Act to consolidate and amend the Law relating to Customs in the Isle of Man.
47. An Act to extend the Powers of the Authorities in relation to Industrial and Formatory Schools, and for other purposes relating thereto.
48. An Act to provide for the payment of Wages without Stoppages in the Hosiery Manufacture.
49. An Act to amend the Laws relating to the sale and consumption of Intoxicating Liquors.
50. An Act to amend the Married Women's Property Act (1870).
51. An Act to amend the Law respecting Proving and Sale of Chain Cable Anchors.
52. An Act to make Regulations for preventing Collisions in the Sea Channels leading to River Mersey.
53. An Act to amend the Law relating to the Payment of Revising Barristers.
54. An Act to amend the Law respecting Liability and Valuation of certain Fences for the purpose of Rates.
55. An Act for dissolving Magdalen Hall in the University of Oxford, and for inserting in the Statute in that behalf made relating to the Principal, Fellows, and Scholars of Hertford College; and for vesting in Hertford College the lands and other property held in trust for the benefit of Magdalen Hall.
56. An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March one thousand eight hundred and seventy-five, and to appropriate the Supplies granted in this Session of Parliament.
57. An Act for the further Limitation of Actions and Suits relating to Real Property.
58. An Act to make further provision for increasing the contribution out of moneys payable by Parliament towards the expenses of the Police Force in the Metropolitan Police District, and elsewhere in Great Britain.
59. An Act to facilitate the erection of Public Buildings for Working Men on land belonging to Municipal Corporations.
60. An Act to amend and enlarge the Statute of the Acts relating to the Navigation of the River Shannon; and for other purposes relating thereto.
61. An Act for granting Compensation to the Officers of the Royal (late Indian) Ordnance Corps.
62. An Act to amend the Law as to the Trial of Infants.
63. An Act to facilitate the re-arrangement of the Boundaries of Archdeaconries and Deaneries.

- 64.** An Act to further alter and amend the Law of Evidence in Scotland, and to provide for the recording, by means of Short-hand Writing, of Evidence in Civil Causes in Sheriff Courts in Scotland.
- 65.** An Act to enable Her Majesty to provide for the Support and Maintenance of His Royal Highness Prince Leopold George Duncan Albert on his coming of age.
- 66.** An Act to enlarge the Jurisdiction of the Civil Bill Courts in Ireland in respect to the recovery of Balances due on partnership Accounts, and in respect of Actions involving Questions of Title to corporeal and incorporeal Hereditaments.
- 67.** An Act to regulate and otherwise deal with Slaughter-houses and certain other Businesses in the Metropolis.
- 68.** An Act to amend the Law relating to Attorneys and Solicitors.
- 69.** An Act to amend the Laws relating to the sale and consumption of Intoxicating Liquors in Ireland.
- 70.** An Act to amend the Law relating to the Valuation of Rateable Property in Ireland.
- 71.** An Act to authorise "The Lough Corrib Navigation Trustees" to dispose of part of the Navigation in the district of Loughs Corrib, Mask, and Curra.
- 72.** An Act to explain and amend the Fines Act (Ireland), 1851, and for other purposes relating thereto.
- 73.** An Act to amend the Law relating to the Payment to and Repayment by the Commissioners for the Reduction of the National Debt of Moneys received in and to the accounts relating to the Post Office Savings Bank.
- 74.** An Act to amend the Law respecting certain Receipts and Expenses connected with Private Lunatic Asylums in Ireland.
- 75.** An Act to explain the Vaccination Act, 1871.
- 76.** An Act to continue various expiring Laws.
- 77.** An Act respecting Colonial and certain other Clergy.
- 78.** An Act to amend the Law of Vendor and Purchaser, and further to simplify Title to Land.
- 79.** An Act for the better management and regulation of Foyle College in the city of Londonderry, and for vesting in the governing body of such College the present schoolhouse and premises belonging to such College, and for vesting the right of appointment of headmaster of such College in the Bishop of Derry and Raphoe and the Governor of the Honourable the Irish Society.
- 80.** An Act to amend the Laws relating to the Royal Irish Constabulary.
- 81.** An Act to provide for the abolition of certain offices connected with the Great Seal, and to make better provision respecting the office of the Clerk of the Crown in Chancery.
- 82.** An Act to alter and amend the laws relating to the Appointment of Ministers to Parishes in Scotland.
- 83.** An Act for delaying the coming into operation of the Supreme Court of Judicature Act, 1873.
- 84.** An Act to regulate the Incorporation of the Commissioners of Her Majesty's Works and Public Buildings, and for other purposes relating thereto.
- 85.** An Act for the better administration of the Laws respecting the regulation of Public Worship.
- 86.** An Act to amend the Law relating to the Irish Reproductive Loan Fund.
- 87.** An Act to amend the Endowed Schools Acts.
- 88.** An Act to amend the Law relating to the Registration of Births and Deaths in England, and to consolidate the Law respecting the Registration of Births and Deaths at Sea.
- 89.** An Act to amend and extend the Sanitary Laws.
- 90.** An Act to declare the Validity of Orders of the Education Department with respect to United School Districts, and to make better Provision with respect to such Orders.
- 91.** An Act to amend the Law relating to the Council of the Governor-General of India.
- 92.** An Act to provide for the Transfer to the Admiralty and the Secretary of State for the War Department of Alderney Harbour and certain Lands near it.
- 93.** An Act to amend the Law relating to Public Health in Ireland.
- 94.** An Act to amend the Law relating to Land Rights and Conveyancing, and to facilitate the Transfer of Land, in Scotland.
- 95.** An Act to continue certain Turnpike Acts in Great Britain, and to repeal certain other Turnpike Acts; and for other purposes connected therewith.
- 96.** An Act for further promoting the Revision of the Statute Law by repealing certain Enactments which have ceased to be in force or have become unnecessary.

The Acts contained in the following List, being PUBLIC ACTS of a Local

Character, are placed amongst the LOCAL AND PERSONAL ACTS.

- i. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Districts of Aberystwyth, Carnarvon, Hurst, Nottingham, Penzance, and Tetbury.
- xvii. An Act for confirming certain Provisional Orders made by the Board of Trade under The Gas and Water Works Facilities Act, 1870, Amendment Act, 1873, relating to Burnley, Cork, Glasgow, Paisley, Weymouth, Wrexham, and Southport.
- xviii. An Act to confirm certain Orders made by the Board of Trade under The Sea Fisheries Act, 1868, relating to Menai Straits and Paglesham.
- xix. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Districts of Barmouth, Ealing, Holyhead, the City of Lincoln, Mileham, Walton-on-the-Hill, and Waterloo-with-Seaforth and to the City of Oxford.
- xx. An Act to confirm a certain Provisional Order relating to Duntocher and Dalmuir made under the "Public Health (Scotland) Act, 1867."
- lxxxvii. An Act for confirming certain Provisional Orders made by the Board of Trade under The Gas and Water Works Facilities Act, 1870, relating to Braintree and Bocking Gas, Brough Elloughton and District Gas, Chelmsford Gas, Dartford Gas, Guildford Gas, Harwich Gas, Lofthouse and District Gas, Retford Gas, Romford Gas, Sidmouth Gas, Sutton-in-Ashfield Gas, High Wycombe Water, Maidstone Water, Inverness Gas and Water.
- lxxxviii. An Act to confirm a Provisional Order under "The Drainage and Improvement of Lands (Ireland) Act, 1863," and the Acts amending the same.
- lxxxix. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Districts of Alverstoke, Birkdale, Gravesend, Handsworth, Newington, Normanston, Preston, Sittingbourne, South Hornsey, South Stockton, and Whitby.
- clii. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Districts of Brecon, Canterbury, East Barnet Valley, East Stonehouse, Gorleston, Hardington, Kingston-upon-Hull, Liverpool, Lytham, Merthyr Tydvil, Portsmouth, Road, Shipley, and Willemsden.
- cliii. An Act to confirm certain Provisional Orders made by the Education Department under "The Elementary Education Act, 1870," to enable the School Boards for the borough of Brighton, the parish of Aberdare, and of the united school district of Caerhun, Llanbedr-y-Cennin, and Dolgarrog to put in force "The Lands Clauses Consolidation Act, 1845," and the Acts amending the same.
- clxxxii. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Districts of Bognor, Brentford, Hitchin, Leicester, Mansfield, Oxford, the Ware Union, and Wrexham.
- clxxxiii. An Act for confirming certain Provisional Orders made by the Board of Trade under The Tramways Act, 1870, relating to Birmingham, London Street Tramways, Newbury and Lamborne, Portsmouth Street Tramways, Wantage, and Wirral.
- clxxxiv. An Act to confirm a Provisional Order made by the Education Department under "The Elementary Education Act, 1870," to enable the School Board for London to put in force "The Lands Clauses Consolidation Act, 1845," and the Acts amending the same.
- clxxxv. An Act to confirm, with Amendments, certain Provisional Orders made by the Board of Trade under The General Pier and Harbour Act, 1861, relating to Bray, Buckie (Cluny), Carlingford Lough, Cattewater, Eye-mouth, Great Yarmouth, Kinsale, Lybster, Sandown, Sidmouth, Tees, and Yarmouth (Isle of Wight).
- clxxxvi. An Act to confirm a Provisional Order made by the Local Government Board for Ireland relating to the City of Dublin.



# LOCAL ACTS.

*The Titles to which the Letter P. is prefixed are Public Acts  
of a Local Character.*

- P. i.** An Act to confirm certain Provisional Orders of the Local Government Board relating to the Districts of Aberystwyth, Carnarvon, Hurst, Nottingham, Penzance, and Tetbury.
- ii.** An Act for making better provision for the payment of Superannuation and other Allowances in the Police Force of the City of London; and for other purposes.
- iii.** An Act to enable the Highland Railway Company to raise further sums of money.
- iv.** An Act to enable the Southampton Dock Company to raise additional capital.
- v.** An Act to authorise the deviation and alteration of the Newent Railway; and for other purposes.
- vi.** An Act to enable the Potteries, Shrewsbury, and North Wales Railway Company to extend their Railway to Trefonen, and to constitute such Extension Railway a separate Undertaking; and for other purposes.
- vii.** An Act to confer further powers upon the East London Railway Company with respect to the acquisition of Lands and the raising of Money; and for other purposes.
- viii.** An Act for conferring further powers upon, and for consolidating the Acts relating to, the General Steam Navigation Company.
- ix.** An Act to amend, vary, and extend the powers of the Northern Assurance Company, and for other purposes relating thereto.
- x.** An Act for vesting in the Metropolitan Board of Works the Garden or Inclosure in Leicester Square in the county of Middlesex, and for providing for the management thereof; and for other purposes.
- xi.** An Act to authorise the Airdrie and Coatbridge Water Company to raise additional capital; and for other purposes.
- xii.** An Act to incorporate a Company for establishing and holding Markets and Fairs, and making Approaches thereto, in the borough and parish of Frome in the county of Somerset; and for other purposes.
- xiii.** An Act to authorise the Amalgamation of the Lynn and Hunstanton and West Norfolk Junction Railway Companies; and for other purposes.
- xiv.** An Act for authorising the Consolidation of the Two Undertakings of the Tendring Hundred Railway Company and their respective Capitals, and for suspending Legal Proceedings against the said Company; for converting the Mortgage, Bond, and other Debts into Debenture Stock; for regulating the Capital of the Company; and for other purposes.
- xv.** An Act to incorporate a company for making the Leeds, Roundhay Park, and Osmondthorpe Junction Railway; and for other purposes.
- xvi.** An Act for enabling the Railway Clearing Committee to purchase land by compulsion, and to build thereon for the purposes of the Clearing System, to defray the expenses thereof as part of the expenses of the Clearing System, and by borrowing money; and for other purposes.
- P. xvii.** An Act for confirming certain Provisional Orders made by the Board of Trade under The Gas and Water Works Facilities Act, 1870, Amendment Act, 1873, relating to Burnley, Cork, Glasgow, Paisley, Weymouth, Wrexham, and Southport.
- P. xviii.** An Act to confirm certain Orders made by the Board of Trade under The Sea Fisheries Act, 1868, relating to Menai Straits and Paglesham.
- P. xix.** An Act to confirm certain Provisional Orders of the Local Government Board relating to the districts of Barmouth, Ealing, Holyhead, the City of Lincoln, Milham, Walton-on-the-Hill, and Waterloo-with-Seaforth, and to the City of Oxford.
- P. xx.** An Act to confirm a certain Provisional Order relating to Duntocher and Dalmuir made under the "Public Health (Scotland) Act, 1867."
- xxi.** An Act for conferring enlarged borrowing powers on the Joint Committee acting under the Kew and other Bridges Act, 1869, and for otherwise amending that Act.
- xxii.** An Act for amending "The Thames Valley Drainage Act, 1871," and for other purposes.
- xxiii.** An Act to enable the Bristol and Exeter Railway Company to make a new Branch Railway in the County of Devon, and to confer further Powers upon the Company with respect to their Undertaking and the Undertaking of the Culm Valley Railway Company, and upon the Bristol and Exeter and Great Western Railway Companies with respect to the Bristol Harbour Railway.
- xxiv.** An Act for better supplying with Gas Grantham and its neighbourhood, in the county of Lincoln.
- xxv.** An Act to enable the Castleisland Railway Company to raise additional Capital; to enable the Grand Jury of the county of Kerry to give a Baronial Guarantee, and to levy cesses in the Barony of Trughenackny in the said county; and for other purposes.
- xxvi.** An Act to confer further powers on the South Devon Railway Company with refer-

- ence to their own and other undertakings; to vest in them and in the Great Western and Bristol and Exeter Railway Companies the undertaking of the Plymouth Great Western Dock Company; and for other purposes.
- xxvii. An Act to enable the Midland Great Western Railway of Ireland Company to make additional Branch Railways; to acquire additional Lands; and for other purposes.
- xxviii. An Act to enable the General Cemetery Company of Dublin to enlarge their Cemetery, to raise a further sum of money; and for other purposes.
- xxix. An Act for supplying with Water the parishes of Lymm and Oughtlington, both in the county of Chester.
- xxx. An Act for varying and making other provision as to certain of the Rates and Dues leviable by the Mersey Docks and Harbour Board; and for other purposes.
- xxxi. An Act for enabling the Caledonian Railway Company to make a connecting Line and Junction between their Railway and the North British Railway at Wester Dalry, near Edinburgh, and for extending to certain traffic, passing viâ that Junction, certain powers, rights, and facilities vested in the said Company with respect to the North British Railway; and for other purposes.
- xxxii. An Act for the Amalgamation of the Undertaking of the Hammersmith Extension Railway Company with that of the Metropolitan District Railway Company.
- xxxiii. An Act to authorise the Hartlepool Gas and Water Company to construct additional Waterworks.
- xxxiv. An Act to enable the Mayor, Aldermen, and Burgesses of the Borough of Leeds, in the West Riding of the County of York, to make further Provision for the Supply of Water; for Protection of Water Supply; to raise additional Money for Waterworks purposes; to alter existing Rents and Charges for Water; and for other purposes.
- xxxv. An Act for embanking and reclaiming certain waste or slob lands near to Ardmillan, Strangford Lough, in the county of Down.
- xxxvi. An Act for empowering the Peterborough Gas Company to construct new works, to acquire additional lands for the same; and for other purposes.
- xxxvii. An Act to enable the Fylde Waterworks Company to make additional Works; to amend the Fylde Waterworks Act, 1861, and the Fylde Waterworks Act, 1870; to increase the Capital of the Company; to extend and define their Limits of Supply; and for other purposes.
- xxxviii. An Act to empower the Leeds, Castleford, and Pontefract Junction Railway Company to make additional Railways and to abandon portions of their authorised Railways; and for other purposes.
- xxxix. An Act to enable the London and Blackwall Railway Company to enlarge certain of their stations; to authorise agreements with other companies; and for other purposes.
- xl. An Act for making further provision for the Improvement, Maintenance, and Management of the Harbour of Wexford, for dissolving and reconstituting the Wexford Harbour Commissioners; and for other purposes.
- xli. An Act for the widening of the Exeter and Crediton Railway, and for the laying down of additional lines of rails upon that railway, and the connecting of them with the Bristol and Exeter Railway; and for other purposes.
- xl. An Act to authorise the Construction of a Bridge across the Ouseburn Valley, in the township of Byker, at Newcastle-upon-Tyne.
- xl. An Act for enabling the Great Southern and Western Railway Company to construct Railways at Cork and Dublin; to acquire additional Lands for the purposes of the Undertaking; to widen or alter certain their Bridges; and for other purposes.
- xliv. An Act for better supplying Enniskillen in the county of Fermanagh with Gas.
- xl. An Act to extend the time for the construction by the North Metropolitan Tramway Company of Works within the city of London; and for other purposes.
- xlvi. An Act to authorise the Local Board of the District of Fairfield to construct Works and supply Water; and for other purposes.
- xl. An Act to authorise the erection of Pier and Works at Paignton in the county of Devon; and for other purposes.
- xl. An Act to extend the time for the completion of the Letterkenny Railway.
- xl. An Act for empowering the London Dock Port and Harbour Commissioners to construct Quays and other Works; for conferring additional Powers on those Commissioners; for extending the enactments relating to them; and for other purposes.
1. An Act to further extend the time for the purchase of lands and for the construction of the works authorised by the Medway Dock Act, 1866.
- li. An Act to grant further powers to the Metropolitan Railway Company with respect to their surplus land; and for other purposes relating to the same Company.
- lii. An Act to authorise the Construction of Railways between Dover and Deal; and for other purposes.
- liii. An Act for making Railways in the county of Devon to be called the Exe Valley Railway; and for other purposes.
- liv. An Act to enable the London, Brighton and South Coast Railway Company to take lease the Hayling Railways; to consolidate the preference stocks in their capital; to make other provisions with respect to their capital; and for other purposes with relation to the same Company.
- lv. An Act for making a railway from the Manchester, Sheffield, and Lincolnshire Railway at Deepcar to Stocksbridge; and for other purposes.
- lvi. An Act for conferring further Powers on the Teign Valley Railway Company in relation to their Undertaking.
- lvii. An Act to authorise the Wrexham Waterworks Company to make new Reservoirs; to extend their limits of supply; to raise new money; and for other purposes.
- lviii. An Act for making further provision for the settlement of the affairs of the Albert Assurance Company by Arbitration; and for other purposes.
- lix. An Act to amend the Acts relating to the East and West India Dock Company.

t for better lighting with Gas the dis-  
rliamentary borough, and town of  
, and the neighbourhood thereof.

ct to confer further powers on the  
Glasgow Union Railway Company;  
other purposes.

ct to confer further Powers on the  
tion of the Borough of Leicester for  
ention of Floods within the borough;  
other purposes.

Act to enable the Manchester South  
Railway Company to abandon por-  
their authorised undertaking, and to  
t new Railways; and for other pur-

Act to authorise the Aberdare and  
an Gas Company to purchase the  
king of the Aberdare Gas Company,  
raise additional Capital; and for other  
t.

ct for granting further powers to the  
Waterworks Company.

Act to extend the borough of Hythe  
county of Kent, and to enable the  
Aldermen, and Burgesses thereof to  
t new waterworks, streets, and sewers;  
make further provisions for the drain-  
l improvement of the borough; and  
r purposes.

Act for authorising the construction  
ks and other Works upon or near  
ston Pill at Milford, in the county of  
ke; and for other purposes.

Act to extend the time for the widen-  
improvement of the North Bridge by  
poration of Edinburgh under an agree-  
nfirm by the Edinburgh Tramways  
71, and to authorise the Edinburgh  
Tramways Company to relinquish the  
tion of certain of their authorised  
ys; and for other purposes.

Act for conferring powers upon the  
sioners of Her Majesty's Treasury,  
making other provisions with respect  
money deposited in respect to the ap-  
a to Parliament for "The Dublin  
litan Junction Railways Act, 1865."

ct to amend the Acts relating to the  
eath and Brandon Drainage, and to  
se the Commissioners to raise more  
; and for other purposes.

Act for empowering the Local Boards  
Districts of Westleigh, Pennington,  
dford, all in the county of Lancaster,  
e and supply Gas, and for carrying  
ct an agreement between them and  
gh District Gas Company for the joint  
e by them of that Company's under-  
and for other purposes.

Act to authorise the Plymouth, Stone-  
and Devonport Tramways Company to  
ct additional Tramways in the parish  
ke Damerel; and for other pur-

Act to enable the Belfast and North-  
unties Railway Company to purchase  
al lands; and for other purposes.

Act for conferring further powers on  
at Western Railway Company in rela-  
their own undertaking and the under-  
of other Companies; and for other  
a.

Act to repeal certain provisions of the  
lating to the North London Railway

Company, and to confer various additional  
powers upon that Company; and for other  
purposes.

lxxvi. An Act authorising the Whitby, Redcar,  
and Middlesborough Union Railway Company  
to raise additional Capital.

lxxvii. An Act for conferring powers upon the  
Commissioners of Her Majesty's Treasury,  
and for making provision with respect to the  
Exchequer Bills deposited in reference to the  
application to Parliament for "The Dublin  
Trunk Connecting Railway (Deviation, &c.)  
Act, 1865."

lxxviii. An Act for authorising the Local Board  
for the District of Padiham and Hapton in  
the county of Lancaster to acquire the Under-  
taking of the Padiham Waterworks Company,  
and to supply Water within that Company's  
limits of supply; and for other purposes.

lxxix. An Act for the Abandonment of the  
Alexandra Park Railway.

lxxx. An Act to authorise the Usk and Towy  
Railway Company to divert portions of their  
authorised Line; and for other purposes.

lxxxi. An Act for conferring further powers  
on the Somerset and Dorset Railway Com-  
pany.

lxxxii. An Act to authorise the construction of  
new Thoroughfares in the neighbourhood of  
Cadogan and Hans Place in the Metropolis,  
and certain improvements in connexion there-  
with.

lxxxiii. An Act to confer additional powers on  
the Glasgow and South-western Railway  
Company for the construction of Works and  
the acquisition of Lands; and for other pur-  
poses connected with their undertaking.

lxxxiv. An Act for conferring further powers  
on the London Central Railway Company in  
relation to their undertaking; and for other  
purposes.

lxxxv. An Act to improve, extend, establish,  
and regulate Markets and Market Places and  
the Slaughterhouses of the city of Edinburgh;  
to alter rates and customs; and to provide for  
the extinction of the city debt; and for other  
purposes.

lxxxvi. An Act to incorporate a Company for  
making a Subway under the River Thames  
from North Woolwich to South Woolwich.

P. lxxxvii. An Act for confirming certain Provi-  
sional Orders made by the Board of Trade  
under The Gas and Water Works Facilities  
Act, 1870, relating to Braintree and Bocking  
Gas, Brough Elloughton and District Gas,  
Chelmsford Gas, Dartford Gas, Guildford  
Gas, Harwich Gas, Loffthouse and District  
Gas, Retford Gas, Romford Gas, Sidmouth  
Gas, Sutton-in-Ashfield Gas, High Wycombe  
Water, Maidstone Water, Inverness Gas and  
Water.

P. lxxxviii. An Act to confirm a Provisional  
Order under "The Drainage and Improvement  
of Lands (Ireland) Act, 1863," and the Acts  
amending the same.

P. lxxxix. An Act to confirm certain Provi-  
sional Orders of the Local Government Board  
relating to the Districts of Alverstoke, Birk-  
dale, Gravesend, Handsworth, Newington,  
Normanton, Preston, Sittingbourne, South  
Hornsey, South Stockton, and Whitby.

xc. An Act to authorise the Alexandra (New-  
port) Dock Company to raise further moneys,  
and to lease their undertaking.

- xc. An Act for rendering valid certain Letters Patent granted to Henry Bernoulli Barlow for Improvements in Embroidering Machines.
- xcii. An Act to authorise the Birmingham and Lichfield Junction Railway Company to divert part of their authorised Railway; and for purposes.
- xciii. An Act to authorise the construction of a Branch Railway from the London and North-western Railway to Brewood in the county of Stafford; and for other purposes connected with such Branch Railway.
- xciv. An Act for enabling the Caledonian and the Glasgow and South-western Railway Companies to execute certain Works and acquire certain Lands in the counties of Renfrew and Lanark, in connexion with their Glasgow and Paisley and Glasgow and Kilmarnock Joint Lines and Branches thereof; and for other purposes.
- xcv. An Act to authorise the Great Northern Railway Company to make deviations and alterations in parts of their authorised Railway in the counties of Nottingham and Leicester, and in the west riding of the county of York.
- xcvi. An Act for empowering the Lee Conservancy Board to execute further Works for the improvement of their navigation; and for amending the Acts relating to the Lee; and for other purposes.
- xcvii. An Act for empowering the Metropolitan Board of Works to construct a new road near Finsbury Park; for making better provision for the Sewerage of the District of the South Hornsey Local Board; for amending the provisions relating to the Newington Butts Improvement; for authorising the Metropolitan Board of Works to pay expenses incurred in respect of Thanksgiving Day; and for other purposes.
- xcviii. An Act to enable the Monmouthshire Railway and Canal Company to make new lines of Railway, and to confer on them further powers with reference to their undertaking.
- xcix. An Act to confer further powers upon the Waterford and Wexford Railway Company; and for other purposes.
- c. An Act to enable the Corporation of Neath to acquire the undertaking of the Neath New Gas Company; and for other purposes.
- ci. An Act for empowering the Local Board for the District of Horbury in the west riding of the county of York to make Waterworks, and to supply Water, and to make Sewerage Works; and for other purposes.
- cii. An Act for conferring further powers on the Lancashire and Yorkshire Railway Company; and for other purposes relating to that Company and to the London and North-western Railway Company.
- ciii. An Act to confer upon the South-eastern Railway Company further powers with reference to their own undertakings and those of other Companies; and for other purposes.
- civ. An Act to enable the Swansea Harbour Trustees to construct additional Docks, Railways, and other Works; and for other purposes.
- cv. An Act for enabling the North-eastern Railway Company to construct Railways in the counties of York and Durham, and near York; and for other purposes.
- cvi. An Act to authorise the Abandonment of the Harrow, Edgware, and London Railway and for other purposes.
- cvii. An Act to amend the Shipley Water and Police Act, 1854; and to make provision for the improvement of the Board District of Shipley in the west of the county of York; and for other purposes.
- cvi. An Act to extend the boundaries of the Municipal Borough of Middlesbrough north riding of the county of York; to chase a private road; to raise further money to alter, amend, and in part repeal the existing Acts relating to the Borough and district; and for other purposes.
- cix. An Act to extend the time for the purchase of Lands for, and for the construction of the North British, Arbroath, and Montrose Railway.
- cx. An Act for enabling the Callander and Glasgow Railway Company to complete their Railway to Oban; and for other purposes.
- cx. An Act for extending the Limits of the City and County of the City of Gloucester and for empowering the Mayor, Aldermen and Citizens of the City to improve the Quay, and the Cattle Market; and for other purposes.
- cxii. An Act for the Amalgamation of the Southern of India and Carnatic Railway Companies, and for enabling the amalgamated Company to make Agreements with the Secretary of State in Council of India; and for other purposes.
- cxiii. An Act to amend the provisions of the Awards made under "The London, Chichester and Dover Railway (Arbitration) Act, affecting the Crystal Palace and South London Junction Railway Company and the London, Chichester and Dover Railway Company as to the working and maintenance of certain Railways of those Companies respectively; and for other purposes.
- cxiv. An Act to authorise the London, Chichester and Dover Railway Company to make a new Line of Railway at Beckenham; and for other purposes.
- cxv. An Act to authorise certain Arrangements concerning the capital of the South Devon Mineral Railway Company; and for other purposes.
- cxvi. An Act to confer on the Commission for improving the Ports and Harbours of Liverpool and New Ross respectively, additional powers; to alter existing and impose new Rates; to facilitate the completion of proposed Works, and the borrowing of money; and for other purposes.
- cxvii. An Act to authorise the Construction of Railways in Lancashire, to be called the Wigan Junction Railways.
- cxviii. An Act for conferring on the Trustees and others claiming under the Will of the late Marquess of Bute power to extend their Railways at Cardiff; and for other purposes.
- cxix. An Act for making a Railway from Maidstone in the county of Kent to the Grove Station of the South-eastern Railway for other purposes.

- xxx.** An Act for vesting the Harbour of Aberystwyth, in the Corporation of Aberystwyth, and to enable them to maintain the same; and for other purposes.
- xxxi.** An Act for empowering the Mayor, Aldermen, and Burgesses of the Borough of Chepping Wycombe otherwise High Wycombe, in the county of Buckingham, to make a new Street; and for amending the Acts relating to the Borough; and for other purposes.
- xxxii.** An Act to authorise the abandonment of the Railway authorised by "The Crystal Palace and South London Junction Railway Act, 1864."
- xxxiii.** An Act for transferring to the Skipton Local Board of Health the undertaking of the Skipton Water Company, and for empowering the Local Board to supply Water within the limits of supply of the Company; and for other purposes.
- xxxiv.** An Act for empowering the Corporation of Wigan to make Sewerage Works for utilization or treatment of sewage; and to make new Streets and improvements of Streets; and to acquire the undertaking of the Wigan Gas Company; and for other purposes.
- xxxv.** An Act for the transfer to the Mayor, Aldermen, and Burgesses of the Borough of Belfast of the undertaking of the Belfast Gaslight Company; and for other purposes.
- xxxvi.** An Act for enabling the Caledonian Railway Company to make and maintain certain new works, and certain deviations of authorised and existing works; and to acquire certain lands in the counties of Lanark, Forfar, Perth, and Cumberland; for vesting in them the undertaking of the Busby Railway Company; for dissolving that Company; and for other purposes.
- xxxvii.** An Act for making a Railway from Coalville to Loughborough in the county of Leicester, to be called the "Charnwood Forest Railway;" and for other purposes.
- xxxviii.** An Act for authorising the Great Eastern Railway Company to make railways to Alexandra Park and in the parish of Chingford; and to make a Quay in the River Stour and Railways connecting it with their Harwich Branch; and to make various improvements of their Railways and Works; and to abandon a certain Railway; and for conferring on them further powers in relation to their undertaking and the undertakings of certain other Companies; and for other purposes.
- xxxix.** An Act for enabling the North-eastern and London and North-western Railway Companies to extend and enlarge the Leeds New Railway Station and to make an Approach thereto; and for other purposes.
- xxxx.** An Act for enabling the London and North-western Railway Company to construct new Railways, and acquire additional Lands in the counties of Glamorgan, Brecon, Monmouth, Merioneth, and Carmarthen; and for other purposes.
- xxxi.** An Act to vest the Undertaking of the South Yorkshire Railway and River Dun Company in the Manchester, Sheffield, and Lincolnshire Railway Company.
- xxxii.** An Act for authorising the Manchester, Sheffield and Lincolnshire Railway Company to make new Branch Railways and other Works; for vesting in them the undertakings of the Macclesfield, Knutsford, and Warrington Railway Company and the Widnes Railway Company; for conferring upon them additional powers; and for other purposes.
- xxxiii.** An Act for enabling the Midland and North-eastern Railway Companies to make a Railway from the Midland Railway near Swinton to the North-eastern Railway near Knottingley; and for other purposes.
- xxxiv.** An Act for conferring additional powers on the North-eastern Railway Company for the construction of Works, and for the acquisition of Lands; and for other purposes connected with their Undertaking.
- xxxv.** An Act to alter and amend the Acts relating to the Alliance and Dublin Consumers Gas Company, and make further provision with respect to the quality and price of Gas within the Company's district; to confer on the Company additional powers as to Money, as to Steam Vessels, and otherwise; and for other purpose.
- xxxvi.** An Act for transferring to the Mayor, Aldermen, and Burgesses of the Borough of Nottingham the Undertaking of the Nottingham Gaslight and Coke Company.
- xxxvii.** An Act for granting further powers to the Nottingham Waterworks Company.
- xxxviii.** An Act for authorising the making of new Streets and improvements of Streets, and the laying down of Tramways in and near Swansea; and for other purposes.
- xxxix.** An Act for enabling the River Wear Commissioners to make a series of short branch lines of Railway leading to their Docks; and for amending the Acts relating to the Commissioners; and for other purposes.
- cxl.** An Act to authorise the construction of Tramways from Bray to Enniskerry in the county of Wicklow; and for other purposes.
- cxli.** An Act to authorise the construction of branch railways and other works, and the acquisition of additional lands in connexion with the Cornwall and West Cornwall Railways; and for other purposes.
- cxlii.** An Act to amend "The Dublin Corporation Waterworks Act, 1861;" and for other purposes.
- cxliii.** An Act to authorise the London and South-western Railway Company to enlarge and improve their Waterloo Terminus; to widen their main line of Railway in Battersea; to execute other Works and to purchase additional lands; and to raise further Moneys; and for other purposes.
- cxliv.** An Act to amend "The Ystrad Gas and Water Act, 1868," and "The Ystrad Gas and Water Order, 1872," so far as the same relate to Gas.
- cxlv.** An Act for enlarging and improving the Port and Harbour of Neath, and making certain Railways, Road Approaches, and other Works in connexion therewith; and for other purposes.
- cxlvi.** An Act to authorise the Construction of a Railway in the county of Cumberland, from Rowrah, on the Whitehaven, Cleator, and Egremont Railway, to Kelton Fell; and for other purposes.
- cxlvii.** An Act to amend an Act of the fiftieth year of the reign of His Majesty King

- George the Third, intituled "An Act for better regulating the Statute Labour in the county of Forfar;" to make better provision for the management, maintenance, repair, and improvement of the Roads in the county of Forfar; and for other purposes.
- cxlviii. An Act for making Railways to Bothwell and Hamilton, and other places in the county of Lanark; and for other purposes.
- cxlix. An Act to authorise the Metropolitan and the Metropolitan and Saint John's Wood Railway Companies to construct a Railway from Kingsbury to Harrow; and for other purposes.
- cl. An Act for authorising the Middle Level Commissioners to make a new Outfall Sluice, and for conferring further Powers on the Commissioners, and for amending the Acts relating to them; and for other purposes.
- cli. An Act to confer further powers on the Belfast Water Commissioners; and for other purposes.
- P. clii. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Districts of Brecon, Canterbury, East Barnet Valley, East Stonehouse, Goringstone, Hardingsstone, Kingston-upon-Hull, Liverpool, Lytham, Morthyr Tydvil, Portsmouth, Road, Shipley, and Willenden.
- P. cliii. An Act to confirm certain Provisional Orders made by the Education Department under "The Elementary Education Act, 1870," to enable the School Boards for the borough of Brighton, the parish of Aberdare, and of the united school district of Caerhun, Llanbedr-y-Cennin, and Dolgarrog to put in force "The Lands Clauses Consolidation Act, 1845," and the Acts amending the same.
- cliv. An Act to empower the Local Board for the district of the town and hamlet of Ulverston, in the county of Lancaster, to acquire the Undertakings of the Ulverston Gas Company and of the Ulverston Water Company; and for other purposes.
- clv. An Act for enabling the Devon and Somerset Railway Company to take Lands; to raise additional Capital; and for other purposes.
- clvi. An Act to provide an additional supply of Water for the city of Edinburgh, the town and port of Leith, and town of Portobello, and districts and places adjacent, from Moorfoot, including the River South Esk and Tweeddale Burn and Portmore Loch, and by additional Storage in Glencorse Valley; to make further Regulations for prevention of Waste; to further suspend the period for constant Service; and for other purposes.
- clvii. An Act to authorise the Great Northern and London and North-western Railway Companies to construct Railways between Market Harborough and Nottingham; to vest in the two Companies certain authorised Railways in Nottinghamshire and Leicestershire; to provide for the use by each of the two Companies of portions of their respective Undertakings; and for other purposes.
- clviii. An Act to grant further powers to the Great Northern Railway Company with relation to their Undertaking; and for other purposes.
- clix. An Act for conferring additional powers on the London and North-western Railway Company in relation to their own Undertaking and the Undertakings of other Companies in England and Ireland; and for other purposes.
- clx. An Act for conferring additional powers on the Midland Railway Company for the construction of Works; for the raising Capital; for the Consolidation of their Shares and Stocks; and for other purposes in relation to their own Undertaking and the Undertakings of other Companies.
- clxi. An Act for authorising a Sale and Transfer of parts of the Undertaking of the Devon and Cornwall Railway Company to the London and South-western Railway Company; and for other purposes.
- clxii. An Act to lease the Hereford, Hay, Brecon Railway to the Midland Railway Company; and for other purposes.
- clxiii. An Act to authorise the Sutton Harbour Improvement Company to convert part of Harbour of Sutton Pool into a Dock; and for other purposes.
- clxiv. An Act for the better supplying Water the parliamentary burgh of Cupar and places adjacent; and for other purposes.
- clxv. An Act for enabling the Dundee Water Commissioners to execute a deviation in the authorised aqueduct, conduit, or line of Pipes from Lintrathen to Dundee, and to make a new Reservoir and other Works; and for other purposes.
- clxvi. An Act to authorise the Blyth and Tynemouth Railway Company to extend their Warkworth Extension Railway to the Amble Branch of the North-eastern Railway; and for other purposes.
- clxvii. An Act for extending the boundary of the township of Kingstown; and for other purposes.
- clxviii. An Act to authorise the construction of an Embankment in Morecambe Bay in the county of Lancaster; and for other purposes.
- clxix. An Act for enabling the Cheshire Line Committee to construct certain Branch Lines for conferring further powers on the Committee and upon the three Companies represented on that Committee; and for other purposes.
- clxx. An Act to lease the Swansea Vale Railway to the Midland Railway Company; and for other purposes.
- clxxi. An Act for incorporating the Nettlebridge Valley Railway Company; and for other purposes.
- clxxii. An Act to change the name of the Dunmanway and Skibbereen Railway Company; and to confer upon them further powers; to enable the Cork and Bandon Railway Company to subscribe towards that Company's Undertaking, and to raise further money for that purpose and for the purpose of their own Undertaking; to authorise working and other agreements between the Company and certain other Railway Companies; and for other purposes.
- clxxiii. An Act to incorporate a Company for making a Railway from the Shrewsbury and Hereford Railway at Leominster to join the Worcester, Bromyard, and Leominster Railway at Bromyard; and for other purposes.
- clxxiv. An Act for making a Railway from the Portadown, Dungannon, and Omagh Junction Railway, near the town of Dungannon, in the county of Tyrone, to the Belfast and

thern Counties Railway, near the Cookstown, in the same county; and for purposes.

Act for extending the time for the completion of the authorised works of the Port and Channel Dock Company.

Act to extend the time granted to the Port and Gwendreath Valley Railway Company for the completion of certain works.

Act to repeal an Act of the seventh year of the reign of King George the Third, intitled "An Act for the more effectual rewidening, and rendering commodious the Highways within the parish of Ealing, in the County of Middlesex, and for lighting the Old Brentford, within the said parish, and turning towards Kew Bridge to a place called 'The Half Acre,'" and to make new and better provisions instead thereof with respect to the Highways in the parish of Ealing in the County of Middlesex.

Act to authorise the Falmouth Railway Company to complete parts of their works; to make and maintain additions, and to raise further moneys; and for other purposes.

Act to authorise the construction in the County of Railways to be called The Falmouth Railway; and for other purposes.

Act to authorise an extension of time for the Jersey Railway Company for purchasing and completing their Railway; and for other purposes.

Act for vesting in the Gloucester and Berkeley Canal Company the Undertaking of the Company of Proprietors of the Worcester and Birmingham Canal Navigation; and for other purposes.

Act to confirm certain Provisions made by the Local Government Board with respect to the districts of Bognor, Brentford, Leicester, Mansfield, Oxford, the Union, and Wrexham.

Act for confirming certain Provisions made by the Board of Trade under the Tramways Act, 1870, relating to the London Street Tramways, New Lamborne, Portsmouth Street Tramways, and Wirral.

Act to confirm a Provisional Order made by the Education Department intitled "The Elementary Education Act, 1861, enabling the School Board for London to enforce 'The Lands Clauses Consolidation Act, 1845,' and the Acts amending the

same Act, with Amendments of certain Provisional Orders made by the Board of Trade under The General Pier and Harbour Act, 1861, relating to Bray, (Clun), Carlingford Lough, Catterick, Great Yarmouth, Kinsale, Sandown, Sidmouth, Tees, and Yarmouth (Isle of Wight).

Act to confirm a Provisional

Order made by the Local Government Board for Ireland relating to the City of Dublin.

clxxxvii. An Act for incorporating the Harrow and Rickmansworth Railway Company, and authorising them to make and maintain the Harrow and Rickmansworth Railway; and for other purposes.

clxxxviii. An Act for incorporating the Saint Austell and Pentewan Railway, Harbour, and Dock Company; and for other purposes.

clxxxix. An Act for incorporating the Temple Mineral Railway Company, and authorising them to make and maintain the Temple Mineral Railway; and for authorising arrangements between them and other Railway Companies; and for other purposes.

cxc. An Act to incorporate a Company for making a Railway from the Kington and Eardisley Railway at New Radnor, to join the Mid-Wales Railway at Rhayader; and for other purposes.

cxci. An Act for enabling the Bodmin and Wadebridge Railway Company to exercise the powers of altering and improving the Bodmin and Wadebridge Railway contained in "The Bodmin and Wadebridge and Delabole Railway Act, 1873;" and for other purposes.

cxcii. An Act for vesting the Undertaking of the Blyth and Tyne Railway Company in the North-eastern Railway Company.

cxciii. An Act to authorise the Wakefield Waterworks Company to raise more Money; and for other purposes.

cxciv. An Act for defining and extending the powers of the Corporation of Nottingham in relation to the Management of Streets in the Borough, and to Sewerage, and to Markets and Fairs, and to Police and other matters of Local Government; and for other purposes.

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TO

## HAANSARD'S PARLIAMENTARY DEBATES,

IN THE FIRST SESSION OF THE

TWENTY-FIRST PARLIAMENT OF THE UNITED KINGDOM.

37° & 38° VICTORIA.

1874.

### EXPLANATION OF THE ABBREVIATIONS.

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When in the Text or in the Index a Speech is marked thus \*, it indicates that the Speech is reprinted from a Pamphlet or some authorized Report.

When in the Index a † is prefixed to a Name or an Office (the Member having accepted or vacated office during the Session) and to Subjects of Debate thereunder, it indicates that the Speeches on those Subjects were delivered in the speaker's private or official character, as the case may be.

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**Agricultural Labourers Dwellings (Ireland) Bill**

(*Mr. Bruen, Viscount Crichton, Mr. Kavanagh*)  
c. Ordered; read 1<sup>o</sup> *April 17* [Bill 73]  
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Question, Mr. Seely; Answer, Mr. Disraeli *May 19*, [219] 480

**Agricultural Tenants Improvements Bill**

[H.L.] (*The Lord Meldrum*)

l. Presented; read 1<sup>o</sup> *July 6* (No. 149)  
Moved, "That the Bill be now read 2<sup>o</sup>" (*The Marquess of Huntly*) *July 16*, [221] 107

After short debate, Amendt. to leave out ("now,") and insert ("this day three months") (*The Earl of Airlie*), 114; on Question, That ("now,") &c.? resolved in the negative; and Bill to be read 2<sup>o</sup> this day three months

*Agricultural Tenants, Security for Improvements by*

Amendt. on Committee of Supply June 19, To leave out from "That," and add "in the opinion of this House, Her Majesty's Government should, with a view to improved cultivation of the land, introduce, with as little delay as possible, a measure for giving increased security for capital to be invested in the soil by agricultural tenants" (*Mr. Seely*) v., [220] 187; Question proposed, "That the words, &c.;" after debate, Amendt. withdrawn

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*Alderney Harbour Bill*

(*Mr. William Henry Smith, Sir Massey Lopes, Lord Eustace Cecil*)

c. Ordered; read 1<sup>o</sup> July 13 [Bill 205]  
Read 2<sup>o</sup> July 16  
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c. Ordered; read 1<sup>o</sup> May 11 [Bill 91]  
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l. Read 1<sup>o</sup> (*Lord Walsingham*) June 16 (No. 386)  
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c. Ordered; read 1<sup>o</sup> April 22 [Bill 79]  
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• read 1<sup>o</sup> April 16 [Bill 71]  
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l. Read 1<sup>o</sup> (Lord Chelmsford) June 16  
 Read 2<sup>o</sup> July 3 (No. 116)  
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 Read 3<sup>o</sup> July 7  
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(Mr. Errington, Mr. Blennerhassett, Mr. Butt)

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*Bozer-Shrapnel Shell*, Question, Observations, The Earl of Longford; Reply, The Earl of Pembroke; short debate thereon June 12, [219] 1492

*Cunningham Training Gear for large Guns*, Question, Mr. Naghten; Answer, Lord Eustace Cecil June 11, [219] 1402

*Muzzle-Loading Field Guns*, Question, Captain Nolan; Answer, Lord Eustace Cecil July 20, [221] 298

Small Arms

*Martini-Henry Rifles*, Questions, Colonel Barttelot; Answer, Lord Eustace Cecil May 14, [219] 269; May 21, 617; Question, Mr. Anderson; Answer, Lord Eustace Cecil July 30, [221] 970

*Carlou—Quartering of Troops*, Question, Mr. Owen Lewis; Answer, Mr. Gathorne Hardy June 8, [219] 1163

*Cavalry Horses*, Question, Colonel Egerton Leigh; Answer, Mr. Stanley May 7, [218] 1834

*Central Inland Arsenal*, Observations, Major Beaumont July 3, [220] 1051;—*Tactical Station—Central Arsenal*, Question, Major Beaumont; Answer, Mr. Gathorne Hardy July 7, 1225

*Charge against a Cavalry Officer*, Question, Mr. Stacpoole; Answer, Mr. Gathorne Hardy July 20, [221] 293

*Colonels, Supersession of—Royal and Indian Army*, Question, General Shute; Answer, Mr. Gathorne Hardy April 16, [218] 626

*Duke of York's School—Fulham School*, Question, Sir Charles W. Dilke; Answer, Mr. Gathorne Hardy June 18, [220] 71; Question, Sir Charles W. Dilke; Answer, Mr. Stephen Cave June 22, 224

*Gateway, New Barracks at*, Question, Mr. Morris; Answer, Mr. Gathorne Hardy Mar 24, [218] 267

India

*Army Purchase Commissioners—Indian Ordnance Corps*, Question, Mr. Bates; Answer, Mr. Gathorne Hardy June 5, [219] 1055

*Army Service in—The 81st Regiment*, Question, Mr. J. G. Talbot; Answer, Mr. Gathorne Hardy June 15, [219] 1683

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*Indian Reliefs—The 36th Regiment*, Question, Mr. William Price; Answer, Mr. Gathorne Hardy June 28, [220] 424

*Majors of Artillery serving in India*, Question, Colonel Jervis; Answer, Mr. Gathorne Hardy July 20, [221] 209

*Officers on Foreign Service*, Question, Colonel North; Answer, Mr. Gathorne Hardy July [220] 871

*Retirement of Indian Officers*, Question, Colonel Jervis; Answer, Lord George Hamilton July 13, [220] 1591; July 15, [221] 1; Question, Colonel Jervis; Answer, Mr. Gathorne Hardy July 17, 208

*Instructors of Musketry—The Royal Warren* 1871, Question, Sir Charles Russell; Answer, Mr. Gathorne Hardy May 14, [219] 268

*Kilmainham Hospital—Catholic Inmates*, Question, Mr. Owen Lewis; Answer, Sir Michael Hicks-Beach Mar 31, [218] 483; Question, Mr. Owen Lewis; Answer, Mr. Gathorne Hardy April 13, 494;—*Outbreak of Fever*, Question, Sir John Gray; Answer, Mr. Gathorne Hardy August 7, [221] 1421

*Knightbridge Barracks, Removal of*, Question, Mr. Forsyth; Answer, Mr. Gathorne Hardy April 21, [218] 926

*Landguard Fort—Artillery Practice*, Question, Colonel Jervis; Answer, Mr. Gathorne Hardy April 23, [218] 983

*Military Outrage at Aldershot*, Question, Wilfrid Lawson; Answer, Mr. Gathorne Hardy August 6, [221] 1411; August 7, 1

*Paymasters of the Regular Forces*, Question, Mr. Gordon; Answer, Mr. Gathorne Hardy June 25, [220] 419

*Pay of Colonels of Cavalry—Warrant* 1863, Question, General Shute; Answer, Mr. Gathorne Hardy June 18, [220] 74

*Plumstead Common*, Question, Sir Charles Dilke; Answer, Mr. Gathorne Hardy August 3, [221] 1144; August 6, 1410

*Political Meetings—Regimental Bands a* Question, Mr. Hayter; Answer, Mr. Gathorne Hardy June 5, [219] 1060

*Preston Barracks, Brighton*, Question, General Shute; Answer, Mr. Gathorne Hardy August 5, [221] 1329

*Purchase Officers Commission—The Report*, Question, Mr. Goddard; Answer, Mr. Hur April 17, [218] 715; Question, Colonel Barttelot; Answer, Mr. Gathorne Hardy July 23, [221] 551

*Royal (late Indian) Ordnance Corps [Commission]*, Question, Colonel Jervis; Answer, Lord George Hamilton July 17, [221] 207

*Royal Military Academy, Woolwich—Visitor Report*, Question, Mr. Hlegate; Answer, Mr. Gathorne Hardy June 15, [219] 1584;

*Vacancies for Cadetships*, Question, Mr. Dundas; Answer, Mr. Gathorne Hardy June 26, [220] 506; Question, Mr. Mitchell Henry; Answer, Mr. Gathorne Hardy July 23, [221] 550

*Royal Military College, Sandhurst—Su* Lieutenants, Question, Captain Dawson Damer; Answer, Mr. Gathorne Hardy Mar 23, [218] 232; Question, Mr. Archdale; Answer, Mr. Gathorne Hardy June 26, [220] 507

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*Barracks*, Question, Mr. Dunbar; Answer, Mr. Gathorne Hardy August 5, [1334]

*Wives*, Question, Mr. Verner; Answer, Mr. Gathorne Hardy June 8, [219]

*Appointments—Queen's Regulations*, Question, Captain Nolan; Answer, Mr. Gathorne Hardy April 10, [218] 630; [21, 925]

*General of the Ordnance*, Question, Henry Havelock; Answer, Mr. Gathorne Hardy June 5, [219] 1059

*Bayonet*, Question, Mr. Muntz; Answer, Mr. Gathorne Hardy June 26, [220]

*Barracks, Outrage in*, Question, Hayter; Answer, Mr. Gathorne Hardy [27, [218] 1175]

*Defence Act, The*, Question, Sir Charles W. Dilke; Answer, Mr. Gathorne Hardy Mar 23, [218] 230; Question, Sir Charles W. Dilke; Answer, Colonel April 16, 629;—*Military Prison at*, Question, Mr. Forsyth; Answer, Mr. Gathorne Hardy April 21, [218] 927

### Auxiliary Forces

*Army Rank*, Question, Mr. Wait; Answer, Mr. Gathorne Hardy Mar 24, [218]—*Pensions to Widows*, Question, Mr. ten; Answer, Mr. Gathorne Hardy 20, [218] 815

*Barracks at Worcester*, Question, Mr. Answer, Mr. Gathorne Hardy June 5, [1062]

*Fines*, Question, Mr. Naghten; Answer, Mr. Gathorne Hardy Mar 27, [218] Question, Colonel North; Answer, Mr. Gathorne Hardy July 20, [221] 302

*Instructors of Musketry*, Question, Fortescue Harrison; Answer, Mr. Gathorne Hardy July 28, [221] 851

*Returns*, Question, Sir Charles Russell; Answer, Mr. Gathorne Hardy June 19, 158; Observations, The Earl of Lime-Reply, The Earl of Pembroke; short thereon July 20, [221] 285

*Service Act (1873)—Bounties*, Question, Viscount Emllyn; Answer, Mr. Gathorne Hardy July 2, [220] 871

*Storehouses*, Question, Mr. Paget; Answer, Mr. Gathorne Hardy May 11, 67

*Militia Regiments—Medical Officers*, Question, Sir Eardley Wilmot; Answer, Mr. Gathorne Hardy July 10, [220] 1474

*Channel Islands Militia*, Question, Mr. Answer, Mr. Gathorne Hardy [21, [221] 1332]

*Dorsetshire Militia*, Question, Mr. Beach; Answer, Mr. Gathorne Hardy June 5, [219]

*Militia and the Line*, Question, Mr. illy; Answer, Mr. Gathorne Hardy 4, [219] 964

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#### Volunteers

*Allowances to Volunteer Corps*, Question, Mr. Wheelhouse; Answer, Mr. Gathorne Hardy June 23, [220] 301

*Easter Monday Review*, Question, Mr. Hayter; Answer, Lord Eustace Cecil Mar 26, [218] 339

*Volunteers—Capitation Grants*, Question, Mr. Hayter; Answer, Mr. Gathorne Hardy June 8, [219] 1154

*War Office Circular—The Volunteer Force*, Question, Mr. Bennett-Stanford; Answer, Mr. Gathorne Hardy May 14, [219] 267

#### Yeomanry

*Adjutants of Yeomanry*, Question, Mr. Francis Monckton; Answer, Mr. Gathorne Hardy July 22, [221] 488

*Lord Aylesford and the Warwickshire Yeomanry Cavalry*, Question, Mr. Dillwyn; Answer, Mr. Gathorne Hardy June 4, [219] 962; Question, Sir Wilfrid Lawson; Answer, Mr. Gathorne Hardy June 18, [220] 70

*Yeomanry Permanent Staff, The*, Question, Mr. Hanbury; Answer, Mr. Gathorne Hardy Mar 23, [218] 233

### Army and Militia

Moved an Address for, Return of orders issued in 1874 having respect to the regulations for recruiting the Army: also, Return of any instructions or orders which may have been issued in the year 1873 for calling out the Army Reserve: also, Return of the numbers who answered to such call of such orders or instructions when issued: also, Return showing the number of absentees in the several Militia Regiments in Great Britain and Ireland at the training of 1873; the state of each regiment in this respect to be separately stated (*The Lord Sandhurst*) June 1, [219] 728; after debate, Motion agreed to (Parl. P. l. No. 112)

### Army—City of London Volunteers—The Artillery Company's Drill Ground

Amendt. on Committee of Supply July 24, To leave out from "That," and add "it is expedient that Her Majesty's Government should take such steps as they may deem necessary to obtain for the City of London Volunteers the use of the Artillery Ground in Finsbury, at such times as it is not required by the Honourable Artillery Company or the City of London Militia" (*Sir John Lubbock*) v., [221] 680; Question proposed, "That the words, &c.:" after short debate, Question put, and agreed to

### Army—Lord Sandhurst

*Mr. Anderson's Notice of Motion*, Question, Colonel Barttelot; Answer, Mr. Anderson May 11, [219] 74; Observations, Mr. Disraeli May 18, 396

*Orders of the Day* postponed (*Mr. Disraeli*) May 21

Moved, "That, in the opinion of this House, Lord Sandhurst, the Commander-in-Chief of the Forces in Ireland, having been absent from duty for seventeen months out of thirty-

[cont.]

*Army—Lord Sandhurst—cont.*

four, his making repeated erroneous Returns to the War Office as to his absences from duty, misleading the Accountant General, and thereby receiving Public Money to which he was not entitled, involves such dereliction of duty as calls for some stronger mark of censure than the mere return of the money wrongly received" (*Mr. Anderson*) May 21, [219] 623; after long debate, Question put, and negatived

*Army—Military Centres—Oxford*

Amendt. on Committee of Supply May 22, To leave out from "That," and add "a Select Committee be appointed to inquire into the expediency of the selection of Oxford as a Military Centre" (*Mr. Beresford Hope*) v., [219] 702; Question proposed, "That the words, &c.;" after debate, Question put; A. 170, N. 71; M. 99

*Army—Military Officers, Removal of*

Amendt. on Committee of Supply June 1, To leave out from "That," and add "an humble Address be presented to Her Majesty, praying that before Her Royal sanction in time of peace is asked for the permanent removal from active service of any Officer under the rank of Major General, who shall have held a Commission in the Army for three years, Her Majesty may be graciously pleased to direct that an option may be given him of having his case heard and adjudicated upon by Court Martial" (*Mr. Torrens*) v., [219] 756; Question proposed, "That the words, &c.;" after debate, Question put; A. 91, N. 31; M. 60

*Army (Recruiting)*

Moved that an humble Address be presented to Her Majesty for, Any correspondence relating to

"General Orders by His Royal Highness the Field Marshal Commanding-in-Chief.

G.O. 30. Recruiting.

(Specially issued 5th May 1871.)

"Until further orders enlistments for the Foot Guards and Infantry of the Line are to be short service enlistments, i.e., for six years army service and six years reserve service without pension:"

And also any correspondence relating to

"General Order by His Royal Highness the Field Marshal Commanding-in-Chief.

1st of August 1871.

G.O. 62. Recruiting."

And that General Order itself (*The Lord Strathnairn*) June 26, [220] 481; after debate, on Question? resolved in the negative

*Army—Royal Warrant, 1871—First Commissions*

Moved, "That an humble Address be presented to Her Majesty for Copy of the Royal Warrant or Regulations issued before the 1st November, 1871, respecting the appointment of candidates from the Universities for first commissions in the Army" (*The Earl Fitzwilliam*) August 6, [221] 1389; after short debate, Motion agreed to

*Army—The Army Reserves*

Amendt. on Committee of Supply April 13, To leave out from "That," and add "in the opinion of this House, the Reserves for the defence of this Country should be formed of men who have passed through the ranks of the regular Army" (*Major Beaumont*) [218] 496; Question proposed, "That words, &c.;" after debate, Amendt. drawn

*Army—The Auxiliary Forces—M*

*Recruiting*

Moved, "That an humble Address be presented to Her Majesty for, Return by Regiments of Militia—(1.) Of enrolled strength on 1st May 1873: (2.) Of numbers required to complete establishments on 1st May 1873: (3.) Of numbers present at trainings during 1873: (4.) Of the number of volunteers who have enlisted during (1) February and March 1872, (2) February and March 1873, and (3) February and March 1874; also of the number who have re-enrolled during the same periods" (*The Earl of Limerick*) Mar [218] 223; after short debate, Motion agreed to (Parl. P. No. 71)

*Ashantee Expedition—Vote of Thanks—the Forces*

*LORDS—*

[218] Moved, "That the Vote of Thanks to the Forces engaged on the West Coast of Africa take precedence" (*The Lord President*) Mar [218] 380; Motion agreed to

Resolutions moved (*The Lord President*) and, after debate, agreed to

Ordered, That the Lord Chancellor do communicate the said Resolutions to Major General Sir Garnet J. Wolseley, &c.

The Lord Chancellor acquainted the House, That he had received a Letter from Major General Sir Garnet J. Wolseley, K.C. G.C.M.G., in return to the Thanks of House and to the Resolutions of the House, ultimo, communicated to him in obedience to an Order of this House of the said date. The said letter being read was ordered to lie on the Table, and to be entered on the Journals April 14, 540

*COMMONS—*

Resolutions moved (*Mr. Disraeli*); and, after debate, put, and agreed to Mar 30, 412

Ordered, That Mr. Speaker do communicate the said Resolutions to Major General Sir Garnet J. Wolseley, &c.

Mr. Speaker acquainted the House, that he had received a Letter from Major General Sir Garnet J. Wolseley, dated the 2nd day of this instant April, acknowledging the Thanks of this House to himself and other Officers for the success attending the Expedition to Ashantee; Letter read April 13, 495

Captain Glover, Question, Mr. Knatchbull-Hugessen; Answer, Mr. Disraeli April 23, [218] 986

Captain Niven, Question, Mr. W. Johnston; Answer, Mr. Gathorne Hardy May 11, [219] 72



**Ashantee Expedition—Vote of Thanks to the Forces—cont.**

**War Medals**, Question, Colonel Bartlett; Answer, Mr. Gathorne Hardy *April 20*, [218] 812; Question, Mr. Price; Answer, Mr. Gathorne Hardy *May 11*, [219] 68; Question, Sir Eardley Wilmot; Answer, Mr. Gathorne Hardy *June 5*, 1061

**Honours to Officers**, Question, Captain Price; Answer, Mr. Hunt *April 17*, [218] 713

**Pay of Officers on the Gold Coast**, Question, Mr. Sackville; Answer, Mr. Gathorne Hardy *April 23*, [218] 989

**Extra Pay and Allowances**, Question, Mr. Ion Hamilton; Answer, Mr. Gathorne Hardy *June 25*, [220] 423

**Medical Officers on the Gold Coast**, Question, Colonel Learmonth; Answer, Mr. Gathorne Hardy *July 30*, [221] 970

**Prize Money**, Question, Admiral Sir William Edmonstone; Answer, Mr. Gathorne Hardy *August 4*, [221] 1261

**Parl. Papers—**

Return of Forces . . . . . [274]

Correspondence [890-894, 921, 922-1006]

Despatches . . . . . [907]

Captain Glover's Report . . . . . [962]

**The Garrison at Prahu**, Question, Mr. W. Johnston; Answer, Mr. Stanley *May 7*, [218] 1841

**The Supplementary Estimates**, Question, Mr. John Holms; Answer, Mr. J. Lowther *May 21*, [219] 618

**Warlike Stores, Detention of**, Question, Mr. Edward Jenkins; Answer, Mr. Hunt *Mar 31*, [218] 486

**Ashantee Expedition—Gold Coast (Honours for Services)**

**Medals for Services**, Postponement of Motion, Sir Eardley Wilmot *July 24*, [221] 684

Moved, "That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to confer a clasp as well as a Medal on those Officers and Men in Her Majesty's Service who took part in engagements with the Ashantees south of the River Prahu, after the late War broke out, and before the arrival of the European Troops, especially at Elmina, Essaman, Abra Krampa, and Donquah, and who thereby materially caused the retreat of the enemy from the Protectorate into his own Country" (Sir Eardley Wilmot) *August 6*, 1414 [House counted out]

**ASHLEY, Hon. A. Evelyn, Poole**

Commission of the Peace—Precedency, [220] 1350

Factories (Health of Women, &c.), 2R. [219] 1436; Comm. *cl. 16*, [220] 333

Gold Coast, Slavery on the, Res. [220] 607, 630, 641

Public Worship Regulation, Consid. *cl. 7*, [221] 1058

Public Worship Regulation [Consolidated Fund, &c.] Comm. [221] 914

**ASSHETON, Mr. R., Clitheroe**

Endowed Schools Acts Amendment, 2R. [220] 1064

Factories (Health of Women, &c.), 2R. [219] 1457; Comm. *cl. 4*, Amendt. [220] 326

Intoxicating Liquors, 2R. [219] 110; Comm. 1001; *cl. 2*, 1016; *cl. 8*, 1110; Consid. [220] 81; *cl. 27*, 118, 176

Supply—Ashantee Expedition, [218] 205

**Astley Deep Pit (Dukinfield), Explosion at—See title Coal Mines****Atchin, Dutch War in**

Question, Mr. Beckett-Denison; Answer, Mr. Bourke *July 6*, [220] 1085

Treaty of 1819, Question, Mr. Kinnaird; Answer, Mr. Disraeli *May 4*, [218] 1589

**ATTORNEY GENERAL, The (Sir R.**

BAGGALLAY), Surrey Mid.

Bank Holiday—Law Offices, Holidays in, [221] 1034

Whit Monday—Law Courts, [219] 478

Charity Commissioners—St. John's Hospital, Bath, [221] 1035, 1403

County Courts, 2R. [221] 1106, 1107

Endowed Schools Acts Amendment, Comm. *cl. 4*, [221] 595, 607; *cl. 8*, 646; *add. cl. 647*; Preamble, 649, 650

Judicature Act, 1873, [218] 924; [219] 1158, 1403;—Circuits, Alteration of the, [221] 556;—Bills of Sale Amendment, 1152

Judicature Bills—Postponement, [221] 763, 789  
Juries, 2R. [218] 974; Comm. *cl. 5*, [219] 287, 290; *cl. 50*, 299; *cl. 53*, 300, 679, 680

Land Titles and Transfer, 2R. [220] 1226, 1264  
Leases and Sales of Settled Estates, 2R. [219] 543

Married Women's Property Act (1870) Amendment, 2R. [218] 612

Parliament—Controverted Elections—Boston Election Petition, [221] 121;—English and Irish Judgments, [220] 422

New Writ—Borough of Stroud, [218] 1938  
Public Business, [221] 641, 642

Parliamentary Elections Act (1868)—Boston Election, [220] 1473

Stroud Election Petitions, [220] 1224

Probate Court—Estates of Poor Intestates, [221] 390

Public Worship Regulation, Comm. *cl. 9*, [221] 887, 889; Consid. *cl. 8*, 1066

Supreme Court of Judicature Act (1873) Amendment, 2R. [220] 1264; Comm. [221] 144; *cl. 2*, 155, 159; *cl. 4*, 162; *cl. 7*, Amendt. 163; *cl. 10*, 166, 707

Supreme Court of Judicature Act (1873) Suspension, 2R. [221] 1039, 1041

**Attorneys and Solicitors Bill [H.L.]**

(The Lord Chelmsford)

*l.* Presented; read 1<sup>st</sup> \* *Mar 23* (No. 6)

Read 2<sup>nd</sup> \* *Mar 27*

Committee<sup>o</sup>; Report *Mar 30*

Read 3<sup>rd</sup> \* *April 14*

Commons Amendts.

(No. 192)

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*Attorneys and Solicitors Bill—cont.*

- c. Read 1<sup>o</sup> (*Mr. Lopes*) April 17 [Bill 75]  
 Read 2<sup>o</sup> July 9  
 Committee \* : Report July 18  
 Considered \* July 20  
 Read 3<sup>o</sup> July 21  
 l. Royal Assent August 7 [37 & 38 Vict. c. 68]

*Australia, Western—Emigration*

- Question, Alderman Sir James Lawrence :  
 Answer, Mr. J. Lowther April 30, [218]  
 1411

*BACKHOUSE, Mr. E., Darlington*  
 Ways and Means, Report, [218] 1185

*BAGGALLAY, Sir R. (see ATTORNEY GENERAL, The)*

*BAILEY, Sir J. R., Herefordshire*  
 Supply—Post Office Services, [219] 1658

*BALFOUR, General Sir G., Kincardineshire*

- Army—Military Officers, Removal of, Motion for an Address, [219] 777, 781  
 Army Estimates—Control Establishments—Wages, &c. [218] 533  
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 Militia Pay and Allowances, [218] 529  
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 Church Patronage (Scotland), 2R. [220] 1557 ; Comm. cl. 3, Amendt. [221] 684, 687, 691, 702 ; cl. 5, Amendt. 839 ; cl. 7, 841 ; Consid. cl. 3, 1099 ; cl. 5, 1102  
 Church Rates Abolition (Scotland), 2R. [220] 1320  
 East India Annuity Funds, 2R. [218] 538  
 East India Loan, Comm. Res. [218] 188 ; Report, 208, 249 ; 3R. 356  
 East India Revenue Accounts, Comm. [221] 1213  
 Game Laws (Scotland), 2R. [218] 1386  
 Great Southern of India and Carnatic Railway Companies (No. 2), 3R. [219] 1497  
 Harbour of Colombo (Loan), Comm. cl. 3, [219] 301  
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 India—Siam, Treaty with, [220] 697  
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 Public Worship Regulation (Consolidated Fund, &c.), Comm. [221] 914  
 Rabbits, 2R. [220] 84  
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 Royal (late Indian) Ordnance Corps Compensation, 2R. [221] 679  
 Sanitary Laws Amendment, Comm. cl. 31, [220] 1496  
 Straits Settlements, [218] 1588

*BALFOUR, General Sir G.—cont.*

- Supply—Local Government Board, [221] 812  
 Metropolitan Police, [221] 815  
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 Ways and Means—County Police, [219] 271  
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 Report, [218] 1188  
 Wellington Monument, The, [220] 429

*BALL, Right Hon. J. T. (Attorney General for Ireland), Dublin University*

- Canada, Dominion of, [218] 1496  
 Colonial Office—Official Staff, [221] 794, 795  
 Coroners (Ireland), 2R. [220] 853  
 Court of Judicature (Ireland), 2R. [220] 1265, 1354  
 Expiring Laws Continuance, 2R. [221] 728 ; Comm. 981 ; cl. 2, 1018 ; Schedule 2, 1026  
 Factories (Health of Women, &c.), Comm. cl. 4—[220] 319  
 Intoxicating Liquors (Ireland) (No. 2), Comm. cl. 5, [220] 211 ; cl. 13, 999, 1000 ; cl. 17—1004 ; cl. 28, 1007 ; add. cl. 1010  
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 Donnelly, Arthur, Case of, [219] 173  
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 Mc'Crea, Mr., Case of, [220] 1347  
 Peace Preservation Act—"Flag of Ireland" Newspaper, [218] 1557  
 Ireland—Controverted Elections—Mr. Justice Lawson, Res. [218] 1888  
 Ireland—Peace Preservation Act—Case of Patrick Casey, Motion for Papers, [219] 1 98  
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 Irish Judicial Bench—Appointment of Judges, Motion for an Address, [220] 436  
 Irish Reproductive Loan Fund, Comm. cl. 5, [221] 1103  
 Judicature Act—Irish Appeals, [218] 1493, 1676  
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 Land Titles and Transfer, 2R. [220] 1250  
 Leases and Sales of Settled Estates, 2R. [219] 545  
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 Parliamentary Relations (Great Britain and Ireland)—Home Rule, Comm. Res. [220] 917

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- Public Meetings (Ireland), 2R. Amendt. [219] 686  
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- Observations, Sir Charles W. Dilke; short debate thereon Mar 27, [218] 361

**BANDON, Earl of**

- Ireland—Sligo, Leitrim, and Northern Counties Railway, Motion for Re-comm. [219] 306  
 Municipal Privileges (Ireland), 2R. [221] 102  
 Railways, Ireland—Guarantees from County Rates, [218] 1404

**Bankers Books Evidence Bill**

- (Mr. Salt, Sir John Lubbock, Mr. Watkin Williams, Mr. Backhouse, Mr. Sampson Lloyd)  
 c. Ordered; read 1<sup>o</sup> \* June 24 [Bill 166]  
 Bill withdrawn \* July 16

**Bank Holidays**

- Battersea Park, Question, Sir Charles Russell; Answer, Lord Henry Lennox July 30, [221] 974  
 Customs Department, The, Question, Mr. Ritchie; Answer, The Chancellor of the Exchequer Mar 20, [218] 108; May 4, 1586  
 Holidays in the Law Offices, Question, Mr. Dillwyn; Answer, The Attorney General July 31, [221] 1034  
 The Law Courts, Question, Sir John Lubbock; Answer, The Attorney General May 19, [219] 478  
 Post Office—Money Order Department, Question, Mr. Wheelhouse; Answer, The Chancellor of the Exchequer Mar 24, [218] 268;—  
 Savings Bank Department, Question, Mr. Talbot; Answer, Lord John Manners, [221] 1038

**Bar Admission Stamp Bill**

- (The Lord Advocate, Mr. Secretary Cross)  
 c. Ordered; read 1<sup>o</sup> \* May 14 [Bill 109]  
 Read 2<sup>o</sup> May 21, [219] 669  
 Committee \*; Report June 8  
 Read 3<sup>o</sup> \* June 11  
 l. Read 1<sup>o</sup> \* (The Lord Steward) June 12  
 Read 2<sup>o</sup> \* June 19 (No. 105)  
 Committee \*; Report June 22  
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**BARCLAY, Mr. J. W., Forfarshire**

- Agricultural Tenants, Security for Improvement by, Res. [220] 197  
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 Church Patronage (Scotland), Comm. [221] 663  
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 Contagious Diseases (Animals) Act, [218] 986;—  
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 Ways and Means—Financial Statement, Res. 3, [218] 696  
 Gun Licence Act, Amendt. [218] 1061

**BARING, Mr. T. C., Essex, W.**

- Intoxicating Liquors, Consid. cl. 27, Amendt. [220] 111

**Barristers (Ireland) Bill**

- (Mr. Callan, Mr. McCarthy Downing, Mr. O'Shaughnessy, Sir John Gray)  
 c. Ordered; read 1<sup>o</sup> \* April 17 [Bill 74]  
 2R. [Dropped]

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 219] Intoxicating Liquors, Comm. cl. 2, 1016, 1082; cl. 12, 1173; add. cl. 1193; Consid. 1695; cl. 26, 1725, 1785  
 220] Consid. cl. 4, 97; cl. 27, Amendt. 115; Amendt. 117, 175; Amendt. 178  
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**BASS, Mr. M. T., *Derby Bo.***

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**BASSETT, Mr. F., *Bedfordshire***

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**Batavia — *H.M. Consul at—The Ship "Montrose"***

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**BATES, Mr. E., *Plymouth***

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**DEAUCHAMP, Earl (Lord Steward of the Household)**

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*cl. 12*, 1620  
220] Intoxicating Liquors, 2R. 675 ; *Comm. add. cl.*  
1187, 1191 ; *cl. 3*, 1192, 1194, 1203, 1208 ;  
*cl. 5*, 1209 ; *cl. 9*, 1210 ; *cl. 11*, *Amend.*  
*ib.*, 1211 ; *cl. 12*, *ib.* ; *cl. 14*, 1213 ; *cl. 33*,  
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*cl. 29*, *Amend.* 1611 ; *cl. 32*, *Amend.*  
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Ecclesiastical Buildings, [221] 1396  
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vernment Offices—Knightsbridge Barracks,  
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**BEAUFORT, Duke of**

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**BEAUMONT, Major F. E. B., Durham, S.**

Army—Arsenal, Central Inland, [220] 1051  
Tactical Station—Central Arsenal, [220]  
1225  
Army Reserves, *Res.* [218] 496  
Patent Museum, [218] 715  
Science and Art—National Gallery, [218] 1928  
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**BEAUMONT, Mr. W. B., Northumberland, S.**

Highways Act, [219] 1402

**BELMORE, Earl of**

Court of Judicature (Ireland), 2R. [219] 458 ;  
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[218] 255

**BENTINCK, Mr. G. A. F. Cavendish**  
(Secretary to the Board of Trade),  
*Whitehaven*

Board of Trade (Marine Department), [218]  
1687  
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**BENTINCK, Mr. G. W. P., Norfolk, W.**

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[218] 1178  
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[218] 711  
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[218] 1873, 1874, 1875  
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**BERESFORD, Lord C. W. D., Water-  
ford Co.**

Intoxicating Liquors in Ireland, Sale of, on a  
Sunday, *Res.* [218] 2006

**BERESFORD, Colonel F. M., Southwark**

Criminal Law—Convict Labour—Mat Maki  
[221] 130  
Imprisonment for Debt, 2R. [218] 573  
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[218] 1350  
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[221] 129  
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311  
Supply—British Museum, [220] 446  
Ways and Means—Gun Licence Act

**Betting Bill**

(*Mr. Anderson, Sir William Stirling-Maxwell,  
Mr. Stevenson, Mr. M. Lagan*)

- c. Ordered; read 1<sup>o</sup> \* Mar 20 [Bill 4]  
Read 2<sup>o</sup>, after short debate April 15, [218] 595  
Committee; Report April 21, 944 [Bill 78]  
Read 3<sup>o</sup> \* April 28
- l. Read 1<sup>o</sup> \* (*Earl of Morley*) April 30 (No. 47)  
Read 2<sup>o</sup> May 7, 1807  
Committee \* May 12  
Report \* May 15  
Read 3<sup>o</sup> \* May 18
- c. Lords Amends. considered and agreed to  
May 21, [219] 680
- l. Royal Assent June 8 [37 Vict. c. 15]

**BIGGAR, Mr. J. G., Cavan Co.**

Expiring Laws Continuance, 2R. [221] 737,  
740, 743; Comm. 1002, 1003; Schedule 1,  
Motion for reporting Progress, 1024; Sched-  
ule 2, Motion for reporting Progress, 1027  
Ireland—Magistracy—Riot at Kilrea, [220]  
154; [221] 1412  
Parliament—Address in Answer to the Speech,  
[218] 150  
Peace Preservation (Ireland) Acts, 1856 and  
1870, [221] 124

**Bills of Sale Act (1854) Amendment Bill**

(*Mr. Lopes, Mr. Watkin Williams, Mr. Charles  
Lewis*)

- c. Ordered; read 1<sup>o</sup> \* Mar 26 [Bill 48]  
2R. [Dropped]

**Bills of Sale Amendment Bill [H.L.]**

(*The Lord Chancellor*)

- l. Presented; read 1<sup>o</sup> \* June 26 (No. 139)  
Read 2<sup>o</sup> \* June 30  
Committee \* July 6 (No. 152)  
Report \* July 7  
Read 3<sup>o</sup> \* July 9
- c. Read 1<sup>o</sup> \* July 25 [Bill 231]  
Bill withdrawn \* August 3

**BIRLEY, Mr. H., Manchester**

Education Department—Education Code, [219]  
1633  
Elementary Education (Compulsory Attend-  
ance), 2R. Amendt. [220] 808  
Intoxicating Liquors, Comm. cl. 2, [219] 1101  
Supply—Public Education, [219] 1644  
Valuation of Property, Comm. cl. 3, [220] 646

**Bishop of Calcutta (Leave of Absence)  
Bill [H.L.] (*The Marquess of Salisbury*)**

- l. Presented; read 1<sup>o</sup> \* April 24 (No. 35)  
Read 2<sup>o</sup> April 30, [218] 1392  
Committee; Report May 1  
Read 3<sup>o</sup> \* May 4
- c. Read 1<sup>o</sup> \* (*Lord George Hamilton*) May 5  
Read 2<sup>o</sup> \* May 11 [Bill 93]  
Committee; Report May 18  
Read 3<sup>o</sup> \* May 21
- l. Royal Assent June 8 [37 Vict. c. 13]

**BLACHFORD, Lord**

Colonial Clergy, [218] 1172; 2R. 1804

**BLANTYRE, Lord**

Church Patronage (Scotland), 1R. [219] 388

**BLENNERHASSETT, Mr. R. P., Kerry**

Irish Railways—Acquisition and Control of,  
Res. [218] 1263

**Board of Trade**

*Lighthouse for Cardigan Bay*, Question, Mr.  
Holland; Answer, Sir Charles Adderley  
July 27, [221] 768

*Railway Department—Captain Tyler*, Ques-  
tion, Mr. Goldsmid; Answer, Sir Charles  
Adderley May 7, [218] 1842; Question,  
Observations, Mr. Goldsmid; Reply, Sir  
Charles Adderley; short debate thereon  
May 15, [219] 329

**Board of Trade—Marine Department**

Moved, "That a Select Committee be ap-  
pointed to inquire whether any alterations  
are needed in the constitution or procedure  
of the Marine Department of the Board of  
Trade, in consequence of the important  
changes which have taken place in the Mer-  
cantile Marine during the last few years"  
(*Mr. Eustace Smith*) May 5, [218] 1677; after  
debate, Motion withdrawn

**Board of Trade Arbitrations, Inquiries,  
&c. Bill**

(*Sir Charles Adderley, Mr. Cavendish Bentinck*)

- c. Ordered; read 1<sup>o</sup> \* May 1 [Bill 86]  
Read 2<sup>o</sup> \* May 11  
Committee; Report May 18, [219] 453  
Considered \* June 8  
Read 3<sup>o</sup> \* June 11
- l. Read 1<sup>o</sup> \* (*Lord Dunmore*) June 12 (No. 103)  
Read 2<sup>o</sup> June 22, [220] 216  
Committee \* June 23  
Report \* June 30  
Read 3<sup>o</sup> \* July 14  
Royal Assent July 30 [37 & 38 Vict. c. 40]

**BOORD, Mr. T. W., Greenwich**

Intoxicating Liquors, Comm. cl. 2, [219] 1006  
Public Health Act—Woolwich and Plumstead  
Nuisances, [221] 1407  
Supply—Rating of Government Property, &c.  
[221] 798  
Valuation of Property, Comm. cl. 3, [220] 646

**Borough Franchise (Ireland) Bill**

(*Mr. Bryan, Mr. Butt, Mr. Blennerhassett*)

- c. Ordered; read 1<sup>o</sup> \* Mar 23 [Bill 35]  
Bill withdrawn, after short debate August 4,  
[221] 1262

**Boroughs (Auditors and Assessors)**

Select Committee appointed, "to consider and  
report on the appointment and duties of  
Assessors and Auditors in Boroughs" (*Mr.  
Pell*) June 2, [219] 918

[cont.]

*Boroughs (Auditors and Assessors)*—cont.

Moved, "That Lord Augustus Hervey be a Member of the Select Committee on Boroughs (Auditors and Assessors)" *June 8*; debate adjourned

Adjourned debate resumed *June 12, 1866*; Question put, and agreed to

And, on *June 12*, Committee nominated as follows:—Mt. Pell (Chairman), Mr. Richard Bright, Mr. Callender, Mr. Cotes, Mr. Dodds, Viscount Folkestone, Mr. Gourley, Mr. Hardcastle, Lord Augustus Hervey, Mr. Rowley Hill, Mr. Isaac, Mr. Morgan Lloyd, Mr. Rathbone, Mr. Edward Stanhope, and Mr. Stevenson

Report of Select Committee *July 22*  
(*Parl. P. No. 321*)

**Boundaries of Archdeaconries and Rural Deaneries Bill** [H.L.]

(*The Lord Bishop of Exeter*)

1. Presented; read 1<sup>st</sup> *April 17* (No. 28)  
Read 2<sup>nd</sup> *April 30*  
Committee *May 12*  
Report *May 15*  
Read 3<sup>rd</sup> *May 19*  
Commons Amended. (No. 200)  
c. Read 1<sup>st</sup> *June 8* [Bill 143]  
Read 2<sup>nd</sup> *July 1*  
Committee *July 17* [Bill 212]  
Committee *(on re-comm.)*; Report *July 24*  
Considered *July 25*  
Read 3<sup>rd</sup> *July 27*  
l. Royal Assent *August 7* [37 & 38 *Vict. c. 63*]

**BOURKE, Hon. R. (Under Secretary of State for Foreign Affairs), *Lynn Regis***

Aden—Arab Tribes, Relation with, [218] 717  
Africa, East Coast of—Slave Trade, [220] 1476; [221] 294

"Alabama," The—Compensation for British Property, Res. [219] 863

Argentine Republic and Brazil—States of the Plate, [220] 156

Atchin, Dutch War in, [220] 1085

Batavia—H.M. Consul at—The Ship "Montrose," [219] 480

Brussels, Conference at—Prisoners of War, [219] 1405, 1406; [221] 1409

Canada, Dominion of—Coasting Trade with the United States, [220] 1351

Reciprocity Treaty, The, [221] 129

Cape Colony—Boundary at Delagoa Bay, [221] 1403

Chili—Arrest of a British Subject, [219] 311

China—Woosung Bar, Shanghai, State of, [218] 1095; [220] 872

Consular Chaplaincies, [221] 969

Consular Service—Unhealthy Climates, [221] 299

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(*Mr. Torrens, Mr. Walpole, Mr. Gourley, Mr. Goldney, Mr. Dodds, Sir Charles Russell*)

c. Ordered; read 1<sup>o</sup> Mar 30 [Bill 55]  
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c. Ordered ; read 1<sup>o</sup> \* June 4 [Bill 133]  
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 l. Read 1<sup>o</sup> \* (The Lord President) June 19  
 Read 2<sup>o</sup> \* June 23 (No. 124)  
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cl. 14, [220] 330, 332

CAVENDISH, Lord G. H., *Derbyshire, N.*  
Elementary Education Act (1870) Amendment,  
2R. [219] 1325

Endowed Schools Acts Amendment, Comm.  
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Highways—Legislation, [218] 1837

Intoxicating Liquors, Consid. cl. 27, [220] 126 ;  
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Valuation of Property, Comm. cl. 7, [220] 670

CAWLEY, Mr. C. E., *Salford*

Intoxicating Liquors, Comm. cl. 2, [219] 1102 ;

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Public Worship Regulation, 2R. Motion for  
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[221] 255, 260 ; cl. 9, 879, 886 ; cl. 19, 899 ;  
add. cl. 904

Sanitary Laws Amendment, Comm. cl. 33,  
[220] 1498 ; cl. 55, Amendt. 1499

Valuation of Property, Comm. cl. 3, [220] 185,  
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CECIL, Lord E. H. B. G. (Surveyor  
General of Ordnance), *Essex, W.*

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[219] 1402

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Muzzle-Loading Field Guns, [221] 298

Sergeants, Pay and Position of, [220] 542

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*Central Asia—Afghanistan, Boundary of*

Question, Observations, Lord Napier and  
Ettrick ; Reply, The Earl of Derby ; short  
debate thereon May 8, [218] 1906

Correspondence respecting Central Asia [919]

[*cont.*]

**Chain Cables and Anchors Bill***(Sir Charles Adderley, Mr. Cavendish Bentinck)*

c. Acts read ; considered in Committee ; Resolution agreed to, and reported ; Bill ordered ; read 1<sup>o</sup> \* *May 1* [Bill 85]

Question, Mr. Laird ; Answer, Sir Charles Adderley *May 5*, [218] 1876

Read 2<sup>o</sup> \*, and referred to a Select Committee *June 4*

And, on *June 8*, Committee nominated as follows :—Sir Charles Adderley (Chairman), Mr. Bates, Mr. Brogden, Mr. Corry, Lord Eslington, Mr. Gourley, Sir John Hay, Mr. Hick, Mr. Laird, Mr. Lefevre, Mr. Melly, Mr. Arthur Peel, Mr. Eustace Smith

Report of Select Comm. *June 30* (P. P. No. 252) Report \* ; Re-comm. *June 30* [Bill 184]

Committee \* ; Report *July 2*

Read 3<sup>o</sup> \* *July 6*

l. Read 1<sup>o</sup> \* (*Earl of Dunmore*) *July 7* (No. 187)

Read 2<sup>o</sup> *July 14*, [220] 1816

Committee \* *July 17*

Report \* *July 20* (No. 188)

Read 3<sup>o</sup> \* *July 21*

Royal Assent *July 30* [37 & 38 *Vict. c. 51*]

**CHAIKE, Mr. J., *Antrim Co.***

Irish Land Act, 1870—Advances to Tenants, [221] 1330

**CHAMBERS, Sir T., *Marylebone***

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Ireland—National Education Commissioners—Callan Schools, Res. [219] 908

Juries, Comm. *cl. 6*, Amendt. [219] 289 ; *cl. 29*, 293 ; *cl. 50*, 300 ; *cl. 77*, 806 ; Motion for reporting Progress, 807, 808

Monastic and Conventual Institutions, Res. [219] 1522

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Cruelty to Animals Law Amendment, 2R. [220] 861

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Glebe Lands Sale, 2R. [220] 1075

Infanticide, 2R. [221] 542 ; Comm. 848

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Inns of Court, 1R. [220] 1466

Intoxicating Liquors, Comm. *add. cl.* [220] 1191 ; *cl. 3*, 1196, 1197, 1207 ; *cl. 32*, 1215 ; *cl. 33*, *ib.* ; Report, *cl. 32*, Amendt. 1612

Judicature and Appeal (Scotland and Ireland), 1R. [218] 1808, 1832

Land Titles and Transfer, 3R. [219] 727

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Leonard Edmunds, Esquire—Petition, [220] 1512, 1514

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218] Public Worship Regulation, 2R. 1149

219] Comm. 929, 930, 931, 957 ; Re-comm. *cl.*

. 1125 ; Amendt. *ib.* 1126 ; Amendt. 115

. 1134, 1136 ; *cl. 9*, 1144, 1145, 1146, 1148

220] Report, *cl. 7*, 142 ; *cl. 8*, 144, 146 ; *add.* 151, 153 ; 3R. 392

221] Commons Amendts. Consid. 1246, 125

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Wild Birds Law Amendment, 2R. [220] 3 Comm. 505

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*Chancery Office of the Paymaster General*

Question, Mr. Gregory; Answer, Mr. W. H.  
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*Imprisonment for Debt*, Question, Mr. Locke;  
 Answer, Mr. Ascheton Cross July 27, [221]  
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*Laws of Jersey—Report of the Commissioners*,  
 Question, Mr. Locke; Answer, Mr. Ascheton  
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*The Channel Islands Militia*, Question, Mr.  
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Question, Mr. Hayter; Answer, The Attorney General July 31, [221] 1035; Question, Mr. Dillwyn; Answer, The Attorney General August 6, 1404

[See title *Endowed Schools Acts Amendment Bill*]

**CHARLEY, Mr. W. T., *Salford***

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Intoxicating Liquors, Comm. cl. 33, [220] 1215

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Naval Cadets, Res. [220] 1065

**CHICHESTER, Earl of**

Public Worship Regulation, Comm. cl. 7, [219] 959

**CHILDERS, Right Hon. H. C. E., *Pontefract***

Board of Trade Arbitrations, Inquiries, &c. Comm. add. cl. [219] 455

Intoxicating Liquors, Leave, [218] 1251; Comm. [219] 1002; cl. 2, 1003, 1005; cl. 6, 1108; cl. 12, 1169, 1170; Consid. [220] 82; cl. 4, Amendt. 96; cl. 27, 116, 119; Amendt. 173

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Parliament—Public Business, [221] 634

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Supply—Miscellaneous Expenses, [221] 826

Report—Greenwich Hospital and School, [220] 1477, 1488

**Chili—*Arrest of a British Subject***

Question, Mr. Muntz; Answer, Mr. Bourke May 15, [219] 311

**China—*State of Woosung Bar, Shanghai***

Question, Mr. R. Reid; Answer, Mr. Bourke April 24, [218] 1096; July 2, [220] 872  
Parl. P. [950]

**Churches and Chapels Exemption (Scotland) Bill**

(*The Lord Advocate, Mr. Secretary Cross*)

c. Ordered; read 1<sup>o</sup> May 14 [Bill 108]

Read 2<sup>o</sup> May 21, [219] 669

Committee\*; Report June 8

Considered\* June 11

Read 3<sup>o</sup> June 15

l. Read 1<sup>o</sup> (*The Lord Steward*) June 16

Read 2<sup>o</sup> June 19 (No. 114)

Committee\*; Report June 22

Read 3<sup>o</sup> June 23

Royal Assent June 30 [37 & 38 Vict. c. 30]

**CHURCHILL, Lord R., *Woodstock***

Army—Military Centres—Oxford, Motion for a Committee, [219] 713

Endowed Schools Acts Amendment, Comm. cl. 4, [221] 602

Public Worship Regulation, Comm. cl. 6, [221] 233; cl. 8, Amendt. 257; Amendt. 261

Vaccination Acts—Banbury Board of Guardians, [221] 125

**Church of England**

Convocation—*The Letters of Business*, Question, Mr. Horsman; Answer, Mr. Disraeli June 26, [220] 513; Question, Mr. Holt; Answer, Mr. Disraeli August 4, [221] 1258

"First Fruits" and "Tithes" of the Clergy, Observations, Mr. Monk July 10, [220] 1500 [House counted out]; Question, Mr. Monk; Answer, Mr. Assheton Cross August 7, [221] 1422

*The Church in Gibraltar and Malta*, Question, Mr. Whalley; Answer, Mr. J. Lowther June 30, [220] 700

**Church of England—*Cathedrals and Churches***

Moved, an Address for "A Return showing the number of churches (including cathedrals) in every diocese in England which have been built or restored at a cost exceeding £500 since the year 1840; and showing also, as far as possible, the expenditure in each case and the sources from which in each case the required funds were derived" (*The Lord Hampton*) June 22, [220] 216; after short debate, Motion agreed to

**Church of England—*Patronage, &c.***

Moved, "That a Select Committee be appointed to inquire into the laws relating to patronage, simony, and exchange of Benefices in the Church of England" (*The Lord Bishop of Peterborough*) April 21, [218] 900; after debate, Motion agreed to



*Church of England—Patronage, &c.—cont.*

And, on April 24, the Lords following were named of the Committee:—Abp. York, D. Marlborough, Ld. Steward, E. Shaftesbury, E. Chichester, E. Nelson, E. Harrowby, Bp. London, Bp. Winchester, Bp. Peterborough, Bp. Carlisle, L. Brodrick, L. Overstone, L. Belper, L. Blachford, L. Selborne; April 27, M. Lansdowne added; April 28, E. Stanhope added

Report of Select Committee April 28  
(*Parl. P. No. 44*)

*Church of England—Queen Anne's Bounty*

Moved, "That it is expedient that the payment of First Fruits to the Governors of Queen Anne's Bounty should be abolished, and that there should be a revaluation of all dignities and benefices in England and Wales, with a view to an equitable readjustment of Tenths on a moderate and graduated scale" (*Mr. Monk*) August 5, [221] 1380

[House counted out]

**Church Patronage (Scotland) Bill [H.L.]**

(*The Lord President*)

219] l. Presented; read 1<sup>st</sup>, after debate May 18, 368

Moved, "That the Bill be now read 2<sup>nd</sup>" June 2, 809

Amendt. to leave out ("now,") and insert ("this day six months") (*The Earl of Selkirk*); after long debate, on Question, That ("now,") &c.; resolved in the affirmative; Bill read 2<sup>nd</sup> (No. 72)

Committee; after short debate June 9, 1226

(No. 95)

Report June 15, 1568 (No. 113)

Read 3<sup>rd</sup> June 16

220] c. Read 1<sup>st</sup> \* (*The Lord Advocate*) June 18

[Bill 159]

Communicants—*The Returns*, Question, Mr. M'Laren; Answer, The Lord Advocate

June 30, 699

Moved, "That the Bill be now read 2<sup>nd</sup>" July 6, 1086

Amendt. to leave out from "That," and add "this House considers it inexpedient to legislate on the subject of Patronage in the Church of Scotland without further inquiry and information" (*Mr. Baxter*) v.: Question proposed, "That the words, &c.;" after long debate, Moved, "That the Debate be now adjourned" (*Mr. Edward Jenkins*); after further short debate, Question put; A. 166, N. 223; M. 57

Original Question again proposed; Moved, "That this House do now adjourn" (*Mr. Anderson*); after short debate, Question put; A. 151, N. 215; M. 64

Original Question again proposed; Moved, "That the Debate be adjourned till Monday next" (*Dr. Cameron*): Question put, and agreed to

Debate resumed July 13, 1527; after long debate, Question put; A. 307, N. 109; M. 106

Division List, Ayes and Noes, 1601

Main Question put, and agreed to; Bill read 2<sup>nd</sup>

221] Order for Committee read; Moved, "That Mr. Speaker do now leave the Chair"

July 24, 651

[cont.]

*Church Patronage (Scotland) Bill—cont.*

Amendt. to leave out from "That," and add "in the opinion of this House, it is not expedient, in abolishing the existing rights of Patronage in Scotland, to ignore the other Presbyterian bodies, and to legislate for the exclusive benefit of the Established Church" (*Mr. Edward Jenkins*) v.: Question proposed, "That the words, &c.;" after debate, Amendt. withdrawn; main Question, "That Mr. Speaker, &c.," put, and agreed to; Committee—R.P.

221] Committee July 24, 684

Moved, "That the Chairman do report Progress, and ask leave to sit again" (*Mr. Lyon Playfair*); Motion withdrawn

Moved, "That the Chairman do report Progress, and ask leave to sit again" (*Mr. Lyon Playfair*); Question put, and agreed to; Committee—R.P.

Committee; Report July 27, 837

Question, Mr. M'Laren; Answer, Mr. Disraeli July 30, 977

Considered July 31, 1095 [Bill 234]

Moved, "That the Order for Third Reading be read and discharged, and that the Bill be re-committed in respect of Clause 3, 5, 7, and 8" (*The Lord Advocate*) August 3, 1221; after short debate, Motion agreed to; Committee; Report; Considered; Read 3<sup>rd</sup>

l. Royal Assent August 7 [27 & 33 Vict. c. 82]

**Church Rates Abolition (Scotland) Bill**

(*Mr. M'Laren, Mr. Baxter, Mr. Trevellyn, Mr. Grieve, Mr. Laing, Sir George Balfour, Dr. Cameron*)

c. Ordered; read 1<sup>st</sup> \* Mar 20 [Bill 26]

Moved, "That the Bill be now read 2<sup>nd</sup>" July 9, [220] 1292

Amendt. to leave out from "That," and add "while not unwilling to consider any equitable proposal for relieving fees in Scotland below a fixed standard of annual value from assessment for the erection and maintenance of ecclesiastical buildings, this House is of opinion that, without further inquiry, to exempt the land generally from burdens incidental to its tenure would be neither wise nor expedient" (*Colonel Alexander*) v.: Question proposed, "That the words, &c.;" after long debate, Amendt. and Motion withdrawn; Bill withdrawn

**Churchwardens Bill**

(*Mr. Monk, Mr. Goldney*)

c. Ordered; read 1<sup>st</sup> \* Mar 23 [Bill 31]

Moved, "That the Bill be now read 2<sup>nd</sup>" April 16, [218] 706

Amendt. to leave out "now," and add "upon this day six months" (*Mr. Beresford Hope*); after short debate, Question, "That 'now,' &c.," put, and negatived

Words added; main Question, as amended, put, and agreed to; Bill put off for six months

**Civil Bill Courts (Ireland) Bill**

(*Sir Colman O'Loughlin, Mr. Downing*)

c. Ordered; read 1<sup>st</sup> \* June 16 [Bill 152]

Read 2<sup>nd</sup> \* June 22

Committee\*; Report June 25

[cont.]

**Consolidated Fund Appropriation Bill**

(*Mr. Raikes, Mr. Chancellor of the Exchequer, Mr. William Henry Smith*)

- c. Ordered; read 1<sup>o</sup> \* July 28  
Read 2<sup>o</sup> \* July 29  
Committee \*; Report July 30  
Read 3<sup>o</sup> \* July 31
- l. Read 1<sup>o</sup> \* (*The Lord President*) July 31  
Read 2<sup>o</sup> \* August 3  
Committee \*; Report August 4  
Read 3<sup>o</sup> \* August 5  
Royal Assent August 7 [37 & 38 Vict. c. 56]

**Consolidated Fund (£1,422,797 14s. 6d.)**

**Bill** (*Mr. Raikes, Mr. Chancellor of the Exchequer, Mr. William Henry Smith*)

- c. Resolution [March 21] reported; Bill ordered; read 1<sup>o</sup> \* Mar 23  
Read 2<sup>o</sup> \* Mar 24  
Committee \*; Report Mar 25  
Read 3<sup>o</sup> \* Mar 26
- l. Read 1<sup>o</sup> \* (*The Lord President*) Mar 26  
Read 2<sup>o</sup>; Committee negatived; Standing Orders Nos. 37 and 38 considered, and dispensed with; Bill read 3<sup>a</sup> Mar 27  
Royal Assent Mar 28 [37 Vict. c. 1]

**Consolidated Fund (£7,000,000 Bill**

(*Mr. Raikes, Mr. Chancellor of the Exchequer, Mr. William Henry Smith*)

- c. Considered in Committee; Resolution agreed to Mar 23  
Bill ordered; read 1<sup>o</sup> \* Mar 24  
Read 2<sup>o</sup> \* Mar 25  
Committee \*; Report Mar 26  
Read 3<sup>o</sup> \* Mar 27
- l. Read 1<sup>o</sup> \* (*The Lord President*) Mar 27  
Read 2<sup>o</sup>; Committee negatived; then Standing Orders Nos. 37 and 38 considered, and dispensed with; Bill read 3<sup>a</sup> Mar 28  
Royal Assent Mar 30 [37 Vict. c. 2]

**Consolidated Fund (£13,000,000) Bill**

(*Mr. Raikes, Mr. Chancellor of the Exchequer, Mr. William Henry Smith*)

- c. Resolution [April 30] reported; Bill ordered; read 1<sup>o</sup> \* May 1  
Read 2<sup>o</sup> \* May 4  
Committee \*; Report May 5  
Read 3<sup>o</sup> \* May 7
- l. Read 1<sup>o</sup> \* (*The Lord President*) May 7  
Read 2<sup>o</sup> \* May 8  
Committee \*; Report May 12  
Read 3<sup>a</sup> \* May 15  
Royal Assent May 21 [37 Vict. c. 10]

**Conveyancing and Land Transfer (Scotland) Bill**

(*The Lord Advocate, Mr. Secretary Cross, Mr. Cameron*)

- c. Motion for Leave (*The Lord Advocate*) Mar 30, [218] 478; Motion agreed to; Bill ordered; read 1<sup>o</sup> \* [Bill 60]  
Read 2<sup>o</sup>, after short debate April 16, 705  
Committee; Report May 14, [219] 303  
Committee \*; Report June 18 [Bill 156]  
[cont.]

**Conveyancing and Land Transfer (Scotland) Bill**  
—cont.

- Re-comm \*; Report July 9  
Considered \* July 16  
Read 3<sup>o</sup> \* July 20
- l. Read 1<sup>o</sup> \* (*The Lord Chancellor*) July 20  
Read 2<sup>o</sup> \* July 23 (No. 186)  
Committee \* July 28 (No. 205)  
Report \* July 30  
Read 3<sup>a</sup> \* July 31  
Royal Assent August 7 [37 & 38 Vict. c. 94]

**CONYNGHAM, Lord F. N., *Clare***

Unseaworthy Ships, Royal Commission on, [221] 132

**COOPE, Mr. O. E., *Middlesex***

Local Government Act (1872)—Acton Sewage, [219] 1163  
Metropolis—Salaries of Metropolitan Police Magistrates, [219] 310  
Metropolitan Board of Works, 2R. [218] 405  
Post Office—Savings Bank Department, [218] 482  
Public Offices, New—Purchase of Sites, [220] 510  
War Office, [220] 507  
Ways and Means—France—Refined Sugar, [219] 620  
Local Taxation—Lunatics, &c. [218] 1181

**Co-operative Supply Associations and the Civil Service**

Question, Mr. Assheton Cross; Answer, Sir Thomas Chambers July 24, [221] 679; Observations, Sir Thomas Chambers; Reply, The Chancellor of the Exchequer; short debate thereon July 28, 859

**CORBETT, Colonel E., *Salop, S.***

Land Titles and Transfer, 2R. [220] 1260  
Valuation of Property, Comm. cl. 7, Amendt. [220] 670  
Wenlock Elementary Education, 2R. [220] 285

**CORDES, Mr. T., *Monmouth, &c.***

Public Worship Regulation, Comm. cl. 8, [221] 259

**Coroners (Ireland) Bill**

(*Mr. Vance, Sir John Gray, Mr. Downing*)

- c. Ordered; read 1<sup>o</sup> \* Mar 26 [Bill 49]  
Read 2<sup>o</sup>, after short debate July 1, [220] 853  
Bill withdrawn \* August 4

**CORRY, Mr. J. P., *Belfast***

Municipal Franchise (Ireland), 2R. [218] 784

**COTTESLOE, Lord**

Intoxicating Liquors, Comm. cl. 13, [220] 1212; cl. 14, 1b.  
Public Worship Regulation, Report, cl. 8, Amendt. [220] 145  
Railway Accidents, [219] 696

**COTTON, Mr. Alderman W. J. R., London**  
 Endowed Schools Acts Amendment, Comm. [221] 343  
 Food Act—Adulteration, [221] 854  
 Intoxicating Liquors, Consid. cl. 26, [219] 1717

**County Courts Bill [H.L.]**

(*The Lord Chancellor*)

- l. Presented; read 1<sup>a</sup> June 16 (No. 117)  
 Read 2<sup>a</sup> June 19  
 Committee\*; Report June 22 (No. 129)  
 Read 3<sup>a</sup> June 23  
 c. Read 1<sup>o</sup> June 26 [Bill 175]  
 Moved, "That the Bill be read 2<sup>o</sup> upon Monday next" August 1, [221] 1105  
 Amendt. to leave out from "That the," and add "said Order be discharged" (*Mr. Bass*) v.; Question proposed, "That the words, &c.;" after short debate, Question put; A. 50, N. 31; M. 19  
 Main Question put, and agreed to; 2R. deferred till Monday  
 Bill withdrawn\* August 3

**County of Hertford and Liberty of Saint Alban Bill (*Mr. Cowper, Mr. Halsey, Mr. Abel Smith*)**

- c. Ordered; read 1<sup>o</sup> April 20 [Bill 77]  
 Read 2<sup>o</sup> June 12  
 Bill committed to a Select Committee June 15  
 And, on June 24, Committee nominated as follows:—*Mr. Cowper* (Chairman), *Mr. Bidulph*, *Mr. Halsey*, *Mr. Neville-Grenville*, *Mr. Round*, *Sir John St. Aubyn*, and *Mr. Percy Wyndham*  
 Report\*; Re-comm. July 3 [Bill 190]  
 Committee\*; Report July 7  
 Read 3<sup>o</sup> July 9  
 l. Read 1<sup>a</sup> (*M. of Salisbury*) July 10 (No. 167)  
 Read 2<sup>a</sup> July 16  
 Report\* July 21  
 Committee\*; Report July 23  
 Read 3<sup>a</sup> July 24  
 Royal Assent July 30 [37 & 38 Vict. c. 45]

**Court of Judicature (Ireland) Bill [H.L.]**  
 (*The Lord Chancellor*)

- l. Presented; read 1<sup>a</sup>, after debate May 7, [218] 1808 (No. 57)  
 [219] Read 2<sup>a</sup>, after short debate May 19, 456  
 Committee; Report June 11, 1399 (No. 98)  
 Report\* June 18  
 [220] Moved, "That the Bill be now read 3<sup>a</sup>" June 22, 217  
 Amendt. to leave out ("now,") and insert ("this day three months") (*Lord Denman*); on Question, That ("now,") &c.; resolved in the affirmative; Bill read 3<sup>a</sup> (No. 121)  
 . Protest thereon, 220  
 c. Read 1<sup>o</sup> (*Mr. Attorney General for Ireland*) June 24 [Bill 168]  
 . Read 2<sup>o</sup>, after short debate July 7, 1265  
 . *The Lord Chancellor*, Question, *Mr. Mitchell Henry*; Answer, *Mr. Attorney General for Ireland* July 9, 1354  
 Bill withdrawn\* July 27

**COURTOWN, Earl of**

Irish Church Temporalities Commission — Church Funds, [219] 611  
 Irish Peerage—Address to Her Majesty, [219] 1484

**Courts (Colonial) Jurisdiction Bill [H.L.]**  
 (*The Earl of Carnarvon*)

- l. Presented; read 1<sup>a</sup> May 1 (No. 48)  
 Read 2<sup>a</sup> May 3  
 Committee\*; Report May 7  
 Read 3<sup>a</sup> May 8  
 Commons Amendts. (No. 109)  
 c. Read 1<sup>o</sup> (*Mr. J. Lowther*) May 15 [Bill 111]  
 Read 2<sup>o</sup> May 21  
 Committee\*; Report June 8  
 Considered\* June 11  
 Read 3<sup>o</sup> June 12  
 l. Royal Assent June 30 [37 & 38 Vict. c. 27]

*Courts of Justice, The New—The Contract*  
 Question, *Mr. Gregory*; Answer, *Lord Henry Lennox* Mar 27, [218] 345; Question, *Mr. Wait*; Answer, *Lord Henry Lennox* April 16, 628

**Courts (Straits Settlements) Bill**  
 (*The Earl of Carnarvon*)

- l. Presented; read 1<sup>a</sup> May 11 (No. 60)  
 Read 2<sup>a</sup> May 19  
 Committee\*; Report May 21  
 Read 3<sup>a</sup> May 22  
 c. Read 1<sup>o</sup> (*Mr. J. Lowther*) June 1 [Bill 126]  
 Read 2<sup>o</sup> June 22  
 Committee\*; Report June 23  
 Considered June 25, [220] 480  
 Read 3<sup>o</sup> June 26  
 l. Order of the Day for taking into Consideration the Commons Amendts. read July 17, [221] 173  
 Moved, "That the said Amendts. be now considered"  
 Amendt. to leave out ("now") and add ("this day three months") (*The Lord Stanley of Alderley*); after short debate, on Question, That ("now,") &c.; Cont. 58, Not-Cont. 2; M. 56  
 Resolved in the affirmative; Commons Amendts. considered accordingly, and agreed to  
 Royal Assent July 30 [37 & 38 Vict. c. 38]

**COWAN, Mr. J., Edinburgh**

Church Patronage (Scotland), Consid. cl. 5, [221] 1102

**COWPER-TEMPLE, Right Hon. W. F., Hampshire, S.**

Mercantile Marine — Passenger Ships, [218] 1838  
 Metropolis—National Gallery—New Building, [218] 541  
 Public Worship Regulation, Consid. cl. 6, [221] 1048

**CRAWFORD, Mr. J. S., Down**

Contagious Diseases (Animals)—Report of Committee (1873), [220] 598  
 Irish Fisheries, Res. [218] 1525

**ORRINGTON, Viscount, Enniskillen**

Factories (Health of Women, &amp;c.), Comm. cl. 4, Amendt. [220] 318

Game Birds (Ireland), 2R. [218] 615; Comm. cl. 1, 1338

Intoxicating Liquors (Ireland) (No. 2), Comm. add. cl. [220] 1009

Parliamentary Relations (Great Britain and Ireland)—Home Rule, Comm. Res. [220] 769

**Crimea**

British Cemeteries in the, Question, Observations, The Earl of Longford; Reply, The Earl of Pembroke August 6, [221] 1396

**CRIMINAL LAW****MISCELLANEOUS QUESTIONS**

Account of Fines and Penal Sums, Question, Mr. Downing; Answer, Sir Michael Hicks-Beach June 23, [220] 301

Alleged Man-and-Dog Fight at Hanley, Question, Sir Charles Legard; Answer, Mr. Assheton Cross July 9, [220] 1354; Questions, Sir Charles Legard, Mr. Molloy; Answers, Mr. Assheton Cross July 23, [221] 554

Assaults on Women and Children—Legislation, Question, Colonel Egerton Leigh; Answer, Mr. Assheton Cross July 24, [221] 624

Balloon, Fatal Fall from a, Question, Mr. Welby; Answer, Mr. Assheton Cross July 14, [220] 1623; Question, Mr. W. Gordon; Answer, Mr. Assheton Cross July 16, [221] 123

Broadmoor and County Asylums—Criminal Lunatics, Question, Mr. Walter; Answer, Mr. Assheton Cross April 23, [218] 988; Question, Mr. Paget; Answer, Mr. Assheton Cross May 11, [219] 67

Convict Labour—Mat Making, Question, Colonel Beresford; Answer, Mr. Assheton Cross July 16, [221] 130

Convict Prisons, Officers of, Question, Sir Henry Peek; Answer, Mr. Assheton Cross May 21, [219] 616

Convict Service Officers, Question, Mr. Watney; Answer, Mr. Assheton Cross May 21, [219] 615

Fenian Prisoners, Question, Mr. Anderson; Answer, Mr. Assheton Cross Mar 27, [218] 347; Question, Mr. Butt; Answer, Mr. Assheton Cross Mar 30, 411

Prisons Act—Education in Prisons, Question, Colonel Egerton Leigh; Answer, Mr. Assheton Cross May 15, [219] 309

Release of the Countess de Cuvry, Question, Mr. Jones; Answer, Mr. Assheton Cross Mar 27, [218] 349

Remission of a Sentence, Question, Sir William Stirling-Maxwell; Answer, Mr. Assheton Cross Mar 30, [218] 410

Sentence on William Venables, Question, Mr. Forsyth; Answer, Mr. Assheton Cross June 18, [220] 71

Sentence on a Cabman, Question, Colonel Learmonth; Answer, Sir Henry Selwin-Ibbetson August 6, [221] 1406

Parl. Papers—

Austria—Extradition Treaty . . . [916]

Brazil—Do. Do. . . . [885]

Netherlands—Do. Do. . . . [1061]

Sweden—Do. Do. . . . [900]

**Criminal Law—Assaults on Women**Amendt. on Committee of Supply May 18, To leave out from "That," and add "an increased punishment should be employed in aggravated cases of attacks upon women by men" (*Colonel Egerton Leigh*) v., [219] 396; Question proposed, "That the words, &c.;" after short debate, Amendt. withdrawn**Criminal Law—Execution of Capital Sentences—The Spanish Garotte**Moved to resolve, That in the opinion of this House the present system of executing criminals is attended with unequal and needless torture and often leads to revolting and discreditable scenes (*The Lord Dunsany*) July 9, [220] 1341; after short debate, Motion negatived**Criminal Law Amendment Act (1871) Repeal Bill**

(Mr. Mundella, Mr. Eustace Smith, Mr. Macdonald, Mr. Burt, Mr. Carter, Mr. Morley)

c. Motion for Leave (Mr. Mundella) Mar 24, [218] 286; after short debate, Motion agreed to; Bill ordered; read 1<sup>st</sup>. [Bill 41]

Moved, "That the Order for 2R. be read and discharged" (Mr. Mundella) July 8, [220] 1323; after short debate, Question put, and agreed to; Order discharged; Bill withdrawn

Cross, Right Hon. R. A. (Secretary of State for the Home Department), Lancashire, S.W.

Agricultural Labourers, Strike of, [218] 1407

Archbishops and Bishops (Appointment and Consecration), Leave, [218] 478

Benefit Building Societies, [218] 336

Betting, Comm. [218] 944

Boatmen, Children of, &amp;c.—A Royal Commission, [221] 131

Borough Police—Grants in Aid, [220] 507

Building Act of 1844—Legislation, [218] 406

Building Societies, 2R. [218] 1336

Channel Islands, The—Arrest for Debt, [221] 762, 855

Laws of Jersey—Report of the Commissioners, [221] 1332

Church Patronage (Scotland), Comm. cl. 3, [221] 695; cl. 7, 842

Churchwardens, 2R. [218] 707

Coal Mines—Astley Deep Pit (Dukinfield), Explosion at, [218] 924; [220] 872, 105

Coal Mines Abroad—State Ownership, [220] 1517

Wigan, Explosion at, [221] 488

Coal Mines—Astley Deep Pit (Dukinfield), Explosion at, Motion for a Return, [218] 943; Motion for an Address, [221] 782

Co-operative Stores and the Civil Service, [221] 670

**Criminal Law—Miscellaneous Questions**

Alleged Man-and-Dog Fight at Hanley, [220] 1355; [221] 554

Assaults on Women and Children, [221] 625

[cont.]

**CROSS, Right Hon. R. A.—*cont.***

- Balloon, Fatal Fall from a, [220] 1623; [221] 123
- Broadmoor and County Asylums—Criminal Lunatics, [218] 988; [219] 67
- Convict Labour—Mat Making, [221] 130
- Convict Prisons, Officers of, [219] 616
- Convict Service, [219] 615
- Countess De Civry, Release of, [218] 349
- Fenian Prisoners, [218] 347, 412
- Prisons Act—Education in Prisons, [219] 309
- Remission of a Sentence, [218] 410
- Venables, William, Sentence on, [220] 71
- Criminal Law Amendment Act (1871) Repeal, Leave, [218] 287; 2R. [220] 1324, 1325
- Crystal Palace (Spirituous Liquors Licence), [218] 1580; Motion for Papers, 2023
- Endowed Schools Acts Amendment, 2R. [220] 1695
- European Assurance Society Arbitration, [221] 555
- Factory Acts Amendment, 2R. [218] 1790, 1802
- Factory and Workshop Act—Consolidation, [220] 158
- [219] Factories (Health of Women, &c.), 2R. 1415, 1467
- [220] Comm. 307, 312; *cl.* 4, 321, 324, 325, 326, 327; *cl.* 10, 328; *cl.* 13, 329; *cl.* 14, 331; Amendt. 333; *cl.* 15, 335; Amendt. 336; *add. cl. ib.*, 338; Preamble, *ib.*; Consider. *cl.* 9, Amendt. 478, 479; *cl.* 4, Amendt. *ib.*; 3R. 672
- Fires, Protection against, [218] 1262
- First Fruits and Tenths, [221] 1422
- Fishery Acts—River Tweed, [221] 1327
- Food Act—Adulteration, [221] 855
- Game Laws (Scotland), 2R. [218] 1367
- Houses of Parliament, Access to the, [221] 853
- Imprisonment for Debt, 2R. [218] 569, 816
- Imprisonment for Debt—Daniel Norley, Case of, [219] 393, 965
- Inclosure—Legislation, [220] 1080
- Infanticide, 2R. [218] 539
- [218] Intoxicating Liquors, 486, 717; Leave, 1225, 1245, 1249, 1254, 1410
- [219] 2R. 141, 148, 149, 173, 482, 853; Comm. Amendt. 966, 982, 991, 996, 1000, 1002; *cl.* 2, 1003, 1014; Amendt. 1016; Amendt. 1017, 1018, 1023, 1024, 1030, 1064, 1072, 1075, 1077, 1079, 1081, 1083, 1087, 1088, 1089, 1090, 1099, 1104; *cl.* 3, Amendt. 1105; *cl.* 4, 1106; *cl.* 5, *ib.*, 1107; *cl.* 6, Amendt. *ib.*, 1108, 1109; *cl.* 8, 1110, 1111, 1112; *cl.* 9, 1113, 1115; Amendt. 1116, 1117; *cl.* 10, Amendt. *ib.*; *cl.* 12, Amendt. 1168, 1169, 1170, 1171, 1172, 1173; *cl.* 13, 1176, 1177; *cl.* 15, 1178; *cl.* 16, *ib.*; *cl.* 19, 1180; Amendt. 1181, 1182; *cl.* 24, *ib.*; *cl.* 25, Amendt. 1183; *cl.* 27, Amendt. *ib.*; *cl.* 28, *ib.*; Amendt. 1184, 1186, 1187; *add. cl.* 1193, 1194, 1196, 1198, 1199, 1200, 1201, 1205; Consider. 1679; Amendt. 1684, 1688; *cl.* 2, 1700; *cl.* 4, 1703; *cl.* 6, *ib.*, 1704, 1708; *cl.* 26, 1712, 1713, 1714, 1716, 1719, 1722, 1726, 1727; Amendt. 1728, 1729, 1739, 1741
- [220] Consider. 80, 86, 87; Amendt. 88, 89; Amendt. 90, 93, 94; *cl.* 4, *ib.* 96, 97; *cl.* 5, Amendt. *ib.*; *cl.* 7, 98, 99; *cl.* 8, 101, 102; *cl.* 11, 103; *cl.* 13, 104, 105, 106, 109;

*[cont.]***CROSS, Right Hon. R. A.—*cont.***

- [221] *cl.* 23, 111; *cl.* 27, 113; Amendt. 114, 116, 117; Amendt. *ib.*, 118, 119, 123, 127, 128; Amendt. 170, 176; Amendt. 177, 179; 3R. 244
- Ireland—Trinity College, Dublin, [218] 985; —Queen's Letter, [221] 872
- Ireland—Fenian Prisoners, Motion for Returns, [220] 1610
- Joint Stock Companies—Provident Savings Banks, [218] 1094
- Judicature Act—Redistribution of Circuits (England), [221] 1259
- Judicature Commission, [218] 349; [221] 1033
- Juries, 2R. [218] 977; Comm. [219] 1665
- Labour Laws, [221] 1335
- Law and Justice—The Magistracy—Commission of the Peace—Precedency, [220] 1350
- Rochester City Bench, [221] 975
- Worcester City Magistracy, [220] 1622
- Legal Departments—Commission on, Report, [218] 1181
- Licensing Act, 1872, [218] 986, 1098; —Valuation of Beerhouses—Salford, [221] 857
- Metropolis — Labourers Dwellings, Somers Town, [218] 815
- Playgrounds for Children, [219] 268
- Salaries of Metropolitan Police Magistrates, [219] 310
- Metropolis—Dwellings of Working People, Res. [218] 1983
- Metropolitan Buildings and Management, 2R. [218] 1355, 1357
- Metropolitan Police—Ex-Constable Goodchild, [218] 625
- Mines, Report of Inspectors, [218] 1177
- Municipal Boroughs (Auditors and Assessors), 2R. [219] 595
- Municipal Corporations Borough Funds Act (1872), [219] 174; [220] 220
- Museums, Opening of, on a Sunday, Res. [219] 528
- Nuisances Prevention Act—Inspectors of Nuisances—The Police, [218] 1408
- Open Spaces (Metropolis), 2R. [221] 1373
- Parliament—Count Out, The, [219] 1304
- General Election—Returns, [219] 700; [221] 1030, 1422
- Palace of Westminster—Admission of Visitors, [221] 130
- Whitsun Vacation, [219] 698
- Parliament—Business of the House, Res. [220] 874
- Parliamentary and Municipal Franchises, Register of, [218] 625
- Parliamentary Elections (Polling), 2R. [218] 313
- Parliamentary Elections (Returning Officers), 2R. [218] 1341
- Patent Laws—Legislation, [221] 391
- Permissive Prohibitory Liquor, 2R. [220] 56
- Police Superannuation, [220] 1354
- Private Bill Legislation—New Standing Orders, [221] 963
- Protection of Women and Children, [219] 1588
- Public Prosecutors, [218] 957
- Public Worship Regulation, 2R. [221] 13; Comm. *cl.* 3, Amendt. 230; *cl.* 6, *ib.*; *cl.* 7, 248, 252; *cl.* 8, *ib.*, 253, 255, 256; *cl.* 9, 881, 882; *cl.* 13, 891; *cl.* 19, 892, 896; Consider. *cl.* 8, 1090; 3R. 1171

ss, Right Hon. R. A.—*cont.*

Registration of Firms, [218] 1496  
 Scotland—Miscellaneous Questions  
   Constabulary, [219] 1160  
   Harbour Police, [221] 969  
   Law of Hypothec, [219] 479  
   Licensing System—A Royal Commission, [220] 76  
   Police Force in Burghs, [218] 812  
   Public Health Act—County Constables, [218] 346, 990  
   Turnpike Trusts—Returns, [218] 813  
 Shrewsbury School—Excessive Punishment, [221] 1037  
 Spirituous Liquors (Scotland), 2R. [219] 579, 583, 584  
 Supply—Broadmoor Criminal Lunatic Asylum, [219] 357  
   Comptroller and Auditor General of the Exchequer, [218] 775  
 Supreme Court of Judicature Act (1873) Amendment, *Comm. cl.* 12, [221] 170  
 Tribunals of Commerce, 2R. postponed, [218] 967  
 Truck System—Masters and Servants, [218] 1406  
 Turnpike Acts Continuance, *Comm.* [221] 712  
 Wales—Courts of Justice—Welsh Interpreters, [220] 1084  
   Welsh County Court Judges, [220] 537  
 Ways and Means—County Police, [218] 1493  
 Wellingborough, Burial Board of, [220] 420  
 Working Men's Dwellings, 2R. [219] 264  
 Workshops Act—Inspectors, [218] 1179

CROSSLEY, Mr. J., *Halifax*

Factories (Health of Women, &c.), *Comm. cl.* 14, [220] 332  
 Factory Acts Amendment, 2R. [218] 1773

**Cruelty to Animals Law Amendment Bill**  
 (Mr. Muntz, Sir Thomas Bazley, Mr. Sampson Lloyd)

c. Ordered; read 1<sup>o</sup> \* April 16 [Bill 70]  
 Bill withdrawn \* May 13

**Cruelty to Animals Law Amendment Bill**  
 [H.L.] (*The Earl of Harrowby*)

1. Presented; read 1<sup>a</sup> \* June 25 (No. 137)  
 Moved, "That the Bill be now read 2<sup>a</sup>" July 2, [220] 857  
 Amendt. to leave out ("now," and insert ("this day three months") (*The Viscount Portman*); after short debate, Amendt. withdrawn; then the original Motion and Bill withdrawn

**Cruelty to Animals Law Amendment**  
 (No. 2) Bill (Mr. Muntz, Sir Thomas Bazley, Mr. Sampson Lloyd)

Ordered; read 1<sup>o</sup> \* May 13 [Bill 104]

**Crystal Palace (Spirituous Liquors Licence)**

Moved, "That there be laid before this House, a Copy of the Justices' Certificate upon which the Inland Revenue Department has issued a Licence to the Directors of the Crystal Palace for the sale of spirituous liquors, contrary to the express provision of the 13th section of the Crystal Palace Company's Act" (*Sir Wilfrid Lawson*) May 8, [218] 2022  
 Amendt. to leave out from "liquors" to the end of the Question (*Mr. Secretary Cross*); after short debate, Question, "That the words, &c.," put, and negatived; main Question, as amended, put, and agreed to  
 Ordered, That there be laid before this House, a Copy of the Justices' Certificate upon which the Inland Revenue Department has issued a Licence to the Directors of the Crystal Palace for the sale of spirituous liquors

CUBITT, Mr. G., *Surrey, W.*

National Debt, [218] 1170

CUNINGHAME, Sir W. J. M., *Ayr, &c.*

Church Rates Abolition (Scotland), 2R. [220] 1317  
 Game Laws (Scotland), 2R. [218] 1388

**Customs**

*Custom House and Inland Revenue Officers*, Question, Mr. Monk; Answer, The Chancellor of the Exchequer April 28, [218] 1263

*Memorial of Out-Door Officers*, Question, Mr. Grieve; Answer, The Chancellor of the Exchequer May 7, [218] 1837; Question, Mr. Bates; Answer, Mr. W. H. Smith June 4, [219] 961; Question, Captain Nolan; Answer, Mr. W. H. Smith July 21, [221] 391; Question, Mr. Ritchie; Answer, Mr. W. H. Smith July 23, 564; Question, Mr. Grieve; Answer, The Chancellor of the Exchequer July 30, 967

*Out-Ports Clerks*, Question, Mr. Charley; Answer, The Chancellor of the Exchequer August 4, [221] 1261

*Promotion of Officers*, Question, Sir Patrick O'Brien; Answer, Mr. W. H. Smith June 19, [220] 155

*Re-organization of the Customs Service*, Question, Mr. Gourley; Answer, The Chancellor of the Exchequer June 26, [220] 508

*Statistical Department*, Question, Mr. C. E. Lewis; Answer, Mr. W. H. Smith June 18, [220] 72

**Customs Writers—Salaries**

Question, Mr. Pease; Answer, The Chancellor of the Exchequer May 4, [218] 1685; Question, Mr. Ritchie; Answer, The Chancellor of the Exchequer May 5, 1674

**Customs and Inland Revenue Bill**

(Mr. Raikes, Mr. Chancellor of the Exchequer, Mr. William Henry Smith)

c. Ordered \* April 27

Read 1<sup>o</sup> \* May 4

[Bill 83]

Read 2<sup>o</sup> \* May 14

Committee \*; Report May 18

(*cont.*)

*Customs and Inland Revenue Bill—cont.*

Moved, "That the Bill be now read 3<sup>o</sup>"  
May 21, [219] 653

Amendt. to leave out from "Bill be," and  
add "re-committed" (*Mr. Roebuck*); Question  
proposed, "That the words, &c.;" after  
short debate, Amendt. withdrawn; main  
Question put, and agreed to; Bill read 3<sup>o</sup>

1. Read 1<sup>o</sup> \* (*Lord President*) May 22 (No. 78)

Read 2<sup>o</sup> \* June 1

Committee \*; Report June 4

Read 3<sup>o</sup> \* June 5

Royal Assent June 8 [37 *Vict. c. 15*]

**Customs (Isle of Man) Bill**

(*Mr. Raikes, Mr. Chancellor of the Exchequer,*  
*Mr. William Henry Smith*)

c. Considered in Committee June 23

Bill ordered \* June 24

Read 1<sup>o</sup> \* June 26 [Bill 178]

Read 2<sup>o</sup> \* July 2

Committee \*; Report July 7

Read 3<sup>o</sup> \* July 9

1. Read 1<sup>o</sup> \* (*The Lord President*) July 10 (No. 165)

Read 2<sup>o</sup> \* July 21

Committee \*; Report July 23

Read 3<sup>o</sup> \* July 24

Royal Assent July 30 [37 & 38 *Vict. c. 48*]

**DALHOUSIE, Earl of**

Church Patronage (Scotland), 1R. [219] 382,  
383, 389; 2R. 835; Comm. cl. 3, 1257

**DALRYMPLE, Mr. C., Buteshire**

Church Patronage (Scotland), 2R. [220] 1107;  
Comm. cl. 3, [221] 697

Elementary Education Act—Evening Schools,  
[218] 1587

Spirituous Liquors (Scotland), 2R. [219] 559

Workshops Act—Inspectors, [218] 1178

**DALWAY, Mr. M. R., Carrickfergus**

Poor Relief (Ireland), 2R. [219] 537

**DAMER, Hon. Captain L. S. W. DAWSON-,  
Portarlington**

Army—Royal Military College, Sandhurst—  
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Moved, "That a Select Committee be appointed,  
'to inquire into the Laws and rights affect-  
ing Dean Forest, and the condition thereof,  
having especial regard to the social and sani-  
tary wants of its increasing population; and  
further to inquire whether it is expedient that  
any, and if so what, legislation should take  
place with respect to such Forest, and the  
future disposition or management of the  
same" (*Colonel Kingscote*) April 21, [218]  
929; after short debate, Motion agreed to

And, on April 28, Committee nominated as  
follows:—Colonel Kingscote (Chairman),  
Colonel Barttelot, Mr. William Cartwright,  
Sir Francis Goldsmid, Mr. Hermon, Sir  
George Jenkinson, Dr. Lush, Mr. Nevill, Mr.  
Pease, Mr. R. Plunkett, Mr. William Price,  
Mr. William Henry Smith, and Mr. Stanhope;  
May 4, Mr. George Clive and Mr. Goldney  
added

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 (Mr. Bruen, Sir Thomas Bateson, Mr. O'Neill,

*Mr. Kavanagh*)

*c.* Ordered; read 1<sup>o</sup> *May* 20 [Bill 120]  
 Read 2<sup>o</sup> *June* 17  
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*l.* Read 1<sup>o</sup> (*Earl of Belmore*) *June* 23 (No. 133)  
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**Drainage and Improvement of Lands (Ireland) Provisional Order Bill**

(Mr. William Henry Smith, Sir Michael Hicks-Beach)

*c.* Ordered; read 1<sup>o</sup> *June* 2 [Bill 131]  
 Read 2<sup>o</sup> *June* 4  
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Standards Commission, 1870, [218] 223

DUNSANY, Lord

Capital Sentences, Execution of—Spanish  
Garotte, Res. [220] 1341, 1345  
Contagious Diseases of Animals—Regulations  
for Great Britain and Ireland, [220] 132  
Irish Peasage—Address to Her Majesty, [219]  
1485  
Suez Canal—Address for Papers, [219] 1032

*Dwellings of Working People in London*

Amendt. on Committee of Supply May 8, To  
leave out from "That," and add "in the  
opinion of this House, a necessity exists for  
some measure that will provide for the im-  
provement of the poorest classes of dwellings  
in London, and that this question demands  
the early attention of Her Majesty's Govern-  
ment" (*Mr. Kay-Shuttleworth*) v., [218]  
1943 ; Question proposed, "That the words,  
&c.;" after debate, Amendt. withdrawn

DYKE, Mr. W. Hart (Secretary to the  
Treasury), *Kent, Mid*

Parliament—Adjournment of the House, [218] 19  
Launceston New Writ, [220] 511

DYNEVOR, Lord

Church Patronage (Scotland), 1R. [219] 388  
Public Worship Regulation, Re-comm. cl. 8,  
Amendt. [219] 1120 ; Report, cl. 8, [220] 145

DYOTT, Colonel R., *Lichfield*

Intoxicating Liquors, Comm. cl. 2, [219] 1085 ;  
Consid. [220] 91

EARP, Mr. T., *Newark*

Endowed Schools Acts Amendment, C  
add. cl. [221] 647, 648  
Friendly Societies, [218] 1178  
Intoxicating Liquors, Consid. cl. 13, [220]  
Metropolis—Dwellings of Working P.  
Res. [218] 1977  
Probate Court—Estates of Poor Intes  
[221] 390  
Supply—Patent Law Amendment Act,  
777

East India [Annuity Funds] Bill

(*Mr. Raikes, Lord George Hamilton, Mr. W.  
Henry Smith*)

c. Considered in Committee Mar 21  
Bill ordered ; read 1<sup>o</sup> Mar 23 [Bill  
218] Read 2<sup>o</sup>, after short debate April 13, 5:  
Order for Committee read ; Moved, "The  
Speaker do now leave the Chair" Apr  
896  
Amendt. to leave out from "That," and  
"the Bill be committed to a Select  
mittee" (*Mr. Beckett-Denison*) v. ;  
short debate, Question, "That the v  
&c.;" put, and agreed to ; main Que  
"That Mr. Speaker, &c.," put, and a  
to ; Committee ; Report  
Considered April 30, 1487  
Read 3<sup>o</sup>, after short debate May 1, 1563  
l. Read 1<sup>o</sup> \* (*The Marquess of Salisbury*) May  
Read 2<sup>o</sup> \* May 18 (No.  
Committee ; Report, after short debate M  
[219] 466  
Read 3<sup>o</sup> \* May 21  
Royal Assent June 8 [37 Vict. c. 1

East India Loan Bill

(*Mr. Raikes, Mr. William Henry Smith,  
George Hamilton, Mr. Dyke*)

c. Considered in Committee Mar 20  
Bill ordered ; read 1<sup>o</sup> Mar 21 [Bill :  
Observations, General Sir George Ball  
218] Reply, Lord George Hamilton Mar 21,  
Read 2<sup>o</sup> Mar 23, 253  
Committee \* ; Report Mar 26  
Read 3<sup>o</sup>, after debate Mar 27, 350  
l. Read 1<sup>o</sup> \* (*Marquess of Salisbury*) Mar 2  
Read 2<sup>o</sup> ; Committee negatived ; and Sta  
Orders Nos. 37 and 38 considered, and  
pensed with ; Bill read 3<sup>o</sup> Mar 23 (N  
Royal Assent Mar 30 [37 Vict. c.

*Ecclesiastical Fees*

Question, Observations, The Earl of Sh  
bury ; Reply, Earl Beauchamp July  
[221] 845

Ecclesiastical Patronage (Church  
England) Bill (*Sir John Kenne  
Lord Henry Scott, Mr. J. G. Talbot,  
Salt*)

c. Ordered ; read 1<sup>o</sup> May 20 [Bill 1:  
2R. [Dropped]

**EDMONSTONE, Admiral Sir W., *Stirlingshire***

- Church Rates Abolition (Scotland), 2R. [220] 1311  
 Game Laws (Scotland), 2R. [218] 1376  
 Gold Coast Expedition—Prize Money, [221] 1261  
 Navy—H.M. Dockyards, [218] 845  
 Navy—Unarmoured and Iron-clad Ships, Res. [218] 1851  
 Supply—Ashantee Expedition, [218] 203  
     Salaries of Colonial Governors, [220] 463  
 West African Settlements, Res. [218] 1629

**Edmunds, Mr. Leonard — *Proceeding on Petition Vacated***

- Observations, The Earl of Rosebery June 29, [220] 600  
 Moved, "That the Petition of Leonard Edmunds, Esquire, presented to the House on the 2nd of July instant, be referred to the Select Committee on the Office of the Clerk of the Parliaments and Office of the Gentleman Usher of the Black Rod" (*The Earl of Rosebery*) July 13, 1860; after debate, on Question, resolved in the negative

**EDUCATION*****Education Department***

- Agricultural Children Act*, Questions, Mr. Pell; Answer, Viscount Sandon July 17, [221] 206  
*Agriculture, Children Employed in*, Question, Mr. Fawcett; Answers, Mr. Goldney, Viscount Sandon May 11, [219] 74  
*Children of Boatmen, &c.—A Royal Commission*, Question, Mr. Macdonald; Answer, Mr. Asheton Cross July 16, [221] 131  
*The Annual Report*, Question, Mr. Kay-Shuttleworth; Answer, Viscount Sandon May 1, [218] 1495  
*Training of Teachers—Irregular Attendance*, Question, Observations, Lord Hampton; Reply, The Duke of Richmond; short debate thereon June 29, [220] 601;—*Private Adventure Schools*, Question, Mr. Locke; Answer, Viscount Sandon July 14, 1823  
*The Education Code*, Observations, Lord Francis Hervey; Reply, Viscount Sandon; debate thereon June 15, [219] 1624

**Parl. Papers—**

- |  |           |
|--|-----------|
| New Code of Regulations 1874 . . . . .             | [931]     |
| Report of Committee of Council 1873-4 . . . . .    | [1019]    |
| Bye Laws of School Boards . . . . .                | [1019 v.] |
| Elementary Schools, England and Scotland . . . . . | [975]     |
| National Education (Ireland)—40th Report . . . . . | [965]     |
| Education Code—Standards—Minute . . . . .          | 120       |
| Emoluments of Teachers . . . . .                   | 323       |

- Education (Scotland) Act, 1872—Collection of School Rates*, Question, Sir Robert Anstruther; Answer, The Lord Advocate June 25, [220] 424  
 Code of Regulations 1874 . . P.P. [930]

(cont.)

**EDUCATION—cont.**

- Effect of School Life on the Sight*, Question, Observations, Lord Montagu of Brandon; Reply, The Duke of Richmond July 2, [220] 868  
*Elementary Education Act — The Voluntary System*, Question, Viscount Sidmouth; Answer, The Duke of Richmond April 28, [218] 1259  
*Evening Schools*, Question, Mr. Dalrymple; Answer, Viscount Sandon May 4, [218] 1587  
*Extra Subjects*, Observations, Sir John Lubbock; Reply, Viscount Sandon; debate thereon May 1, [218] 1531  
*Pauper and Industrial School Districts*, Question, Mr. Fawcett; Answer, Mr. Solater-Booth August 5, [221] 1336  
*University Female Education*, Observations, Mr. Cowper-Temple; debate thereon June 12, [219] 1526

***Education—Emoluments of Teachers***

- Moved, "That an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House, a Return of the average income received in the year 1873 from all professional sources by the Male Certificated Teachers in the Schools aided by annual Grants in England and Wales; also the total number of Male Certificated Teachers, and the number of these provided with official residences rent-free in England and Wales :—  
 "Similar Return of Female Teachers: similar Returns for Scotland: similar Return of the average total income at present derived from their Schools by the Male Teachers of Ireland; also the total number of such Teachers, and the number of these provided with official residences rent-free in Ireland: and, similar Return for Female Teachers" (*Captain Nolan*) Mar 31, [218] 491  
 Amendt. to add, at the end thereof, "the Returns to show how far these Emoluments are derived from National Funds, from Local Rates, from School Pence, and from Local Voluntary Contributions" (*Mr. McLaren*): Question proposed, "That those words be there added;" after short debate, debate adjourned  
 Question again proposed April 17, 784; Question, "That those words be there added," put, and agreed to; main Question, as amended, put, and agreed to.  
 (Parl. P. No. 323)

***Education—Minister of Public Instruction***

- Moved to resolve, "That, in the opinion of this House, it is desirable that the Committee of Council on Education should be superseded by the appointment of a Minister of Public Instruction, who should be entrusted with the care and superintendence of all matters relating to national encouragement of science and art and popular education" (*The Lord Hampton*) May 22, [219] 682; after short debate, on Question? resolved in the negative

*Education, Science, and Art—Minister of Education*

Amendt. on Committee of Supply June 15, To leave out from "That," and add "a Select Committee be appointed to consider how the Ministerial responsibility under which the Votes for Education, Art, and Science are administered may be better secured" (*Mr. Lyon Playfair*) v., [219] 1589; Question proposed, "That the words, &c.;" after long debate, Question put, and agreed to

*Education—The Revised Code—The Third Standard*

Moved, "That, in the opinion of this House, it is undesirable that the Guardians of the Poor should be relieved from the duty of providing for the education of the children of parents in the receipt of out-door relief, under section 3 of 'The Elementary Education Act Amendment Act, 1873,' as soon as those children reach so low a standard as the Third Standard of the Education Code" (*Mr. Kay-Shuttleworth*) May 5, [218] 1707; after debate, Question put; A. 202, N. 265; M. 63; Division List, Ayes and Noes, 1736

**Education Department Orders Bill**

(*The Lord President*)

- l. Presented; read 1<sup>st</sup> July 23 (No. 197)  
Read 2<sup>nd</sup> July 28  
Committee\*; Report July 30  
Read 3<sup>rd</sup> July 31
- c. Read 1<sup>st</sup> August 1 [Bill 239]  
Read 2<sup>nd</sup> August 3  
Committee\*; Report; read 3<sup>rd</sup> August 4
- l. Royal Assent August 7 [37 & 38 Vict. c. 90]

**EGERTON OF TATTON, Lord**

Alkali Act (1863) Amendment, 2R. [220] 389;  
Comm. add. cl. 865  
Contagious Diseases of Animals—Regulations for Great Britain and Ireland, [220] 134  
Globe Lands Sale, 2R. [220] 1078  
Poor Law Amendment Removal, 2R. [221] 756

**EGERTON, Hon. A. F. (Secretary to the Board of Admiralty), Lancashire, S.E.**

Navy—Boys, Admission of, into the, [219] 1876  
H. M.S. "London," [218] 410  
Navy Estimates—Dockyards, &c. at Home and Abroad, [219] 434  
Naval Stores, [219] 442  
Steam Machinery, &c. [219] 448  
Wages, &c. for Seamen and Marines, [218] 1446, 1484  
Peru, Guano Deposits—Survey, [219] 699  
Public Worship Regulation, Comm. cl. 8, [221] 254  
Supply—Zanzibar Expedition, [218] 207

**EGERTON, Rear-Admiral Hon. F., Derbyshire**

Navy—Whitworth Ordnance Trials, [220] 70  
Navy Estimates—Steam Machinery, &c. [219] 447

**EGERTON, Hon. Wilbraham, Cheshire, Mid**

Factories (Health of Women, &c.), Comm. cl. 15, Amendt. [220] 333, 335  
French Commercial Treaty—British Salt, [218] 1407  
Public Worship Regulation, Comm. cl. 6, Amendt. [221] 232; Amendt. 233; add. cl. 904

*Egypt*

*Alexandria and Ramleh Railway Company*, Question, Mr. W. Lowther; Answer, Mr. Bourke April 16, [218] 628  
*Consular Jurisdiction—The Papers*, Question, Mr. Baillie Cochrane; Answer, Mr. Bourke April 28, [218] 1262 [See title *Suez Canal*]  
*Duty on Coal*, Question, Mr. David Jenkins; Answer, Mr. Bourke August 5, [221] 1333  
*Outrage on British Subjects*, Questions, Mr. H. B. Sheridan; Answer, Mr. Bourke July 17, [221] 204

*Egypt — Consular Jurisdiction and the Suez Canal*

Amendt. on Committee of Supply June 26, To leave out from "That," and add "the commerce of this Country being so deeply interested in the uninterrupted navigation of the Suez Canal, it is desirable that Her Majesty's Government should at once give its adhesion to the proposed judicial reforms in Egypt, suggested and approved of by the representatives of all the European Powers, by which tribunals will be created for the better administration of justice in Egypt and the adjudication of differences which may arise between British shipowners and the administrators of the Suez Canal Company" (*Mr. Baillie Cochrane*) v., [220] 513; Question proposed, "That the words, &c.;" after short debate, Question put, and agreed to

**Elementary Education Act (1870) Amendment Bill**

(*Mr. Richard, Sir Thomas Bazley, Mr. Morley, Mr. William M<sup>r</sup>Arthur, Sir Henry Havelock*)  
c. Ordered; read 1<sup>st</sup> Mar 20 [Bill 6]  
Moved, "That the Bill be now read 2<sup>nd</sup>" June 10, [219] 1304  
Amendt. to leave out "now," and add "upon this day three months" (*Mr. Isaac*); after long debate, Question put, "That 'now,' &c.;" A. 128, N. 373; M. 245  
Words added; main Question, as amended, put, and agreed to; 2R. put off for three months  
Division List, A. and N. 1335

**Elementary Education (Compulsory Attendance) Bill**

(*Mr. Dixon, Mr. Mundella, Sir John Lubbock, Mr. Trevelyan, Mr. Melly*)  
c. Ordered; read 1<sup>st</sup> Mar 20 [Bill 16]  
Moved, "That the Bill be now read 2<sup>nd</sup>" July 1, [220] 793

*ry Education (Compulsory Attendance)*  
-cont.

to leave out "now," and add "upon  
lay three months" (*Mr. Birley*); Ques-  
proposed, "That 'now,' &c.;" after  
debate, Question put; A. 156, N. 320;  
54  
added; main Question, as amended, put,  
greed to; 2R. put off for three months  
List, A. and N. 850

**ary Education Provisional Order  
irmation Bill [H.L.]**

(*The Lord President*)

ed; read 1<sup>st</sup> June 5 (No. 88)  
1<sup>st</sup> June 19  
tee \* July 6 (No. 153)  
\* July 7  
\* July 9  
\* (*Viscount Sandon*) July 17 [Bill 214]  
\* July 20  
tee \*; Report July 29  
\* July 30  
Assent August 7 [37 & 38 Vict. c. clxxxiv]

**tary Education Provisional Order  
irmation (No. 2) Bill [H.L.]**

(*The Lord President*)

ed; read 1<sup>st</sup> \*; and referred to the  
iners June 12 (No. 108)  
1<sup>st</sup> June 19  
tee \*; Report June 29  
\* June 30  
\* (*Viscount Sandon*) July 3 [Bill 192]  
\* July 6  
tee \*; Report July 16  
\* July 17  
Assent July 30 [37 & 38 Vict. c. clxiii]

Mr. E., *St. Andrews, &c.*  
shed Church (Scotland) (Communicants),  
1271  
nd Means—Board of Lunacy (Scotland),  
1510

Admiral G., *Chatham*  
ating Liquors, Comm. cl. 2, [219] 1104  
nt Shipping Survey, 2R. [220] 373  
nt Ships (Measurement of Tonnage),  
[219] 1223  
H.M. Dockyards, [218] 819, 828, 832,  
842, 845  
Ironclads, Construction of, Res. [219]  
420  
Unarmoured and Iron-clad Ships, Res.  
1847, 1852, 1853, 1857  
Estimates—Dockyards, &c. at Home and  
broad, [219] 435  
ges, &c. for Seamen and Marines, [218]  
483  
ks, Buildings, &c. [218] 534  
frican Settlements, Res. [218] 1643

STONE, Lord  
entative Peers of Scotland and Ireland,  
on for a Committee, [220] 137

ELPHINSTONE, Sir J. D. H., *Portsmouth*  
Harbour of Colombo (Loan), Comm. cl. 3, [219]  
302

**EMLY, Lord**

Contagious Diseases (Animals), [221] 197, 198  
Irish National Education—Schoolmasters and  
Schoolmistresses, Motion for a Return, [220]  
970  
Railways, Ireland—Guarantees from County  
Rates, [218] 1404, 1405

**EMLYN, Viscount, Carmarthen**

Army—Militia Service Act (1873)—Bounties,  
[220] 871

**Endowed Schools**

*The Endowed Schools Commission*, Question,  
Observations, Earl De La Warr; Reply,  
The Duke of Richmond; short debate thereon  
May 1, [218] 1491

**Scheme for Combe's School, Crewkerne**

Moved that an humble Address be presented  
to Her Majesty, praying Her Majesty to re-  
fuse her assent to the scheme of the Endowed  
Schools Commissioners for the management  
of the school founded by John de Combe in  
the year 1499, at Crewkerne in the county  
of Somerset (*Bishop of Bath and Wells*)  
May 4, [218] 1577; after short debate,  
Motion agreed to (*Parl. P. l. 21-1*)

**Scheme for Ellsworth's Charity**

Moved that an humble Address be presented to  
Her Majesty, praying Her Majesty to refuse  
Her assent to the scheme of the Endowed  
Schools Commissioners for the management  
of the charity established under the Will of  
Richard Ellsworth for the benefit of the  
parishes of Timberscombe and Cutcombe and  
adjacent parishes in the county of Somerset  
(*Bishop of Bath and Wells*) May 4, [218]  
1570; after short debate, Motion agreed to  
(*Parl. P. l. 21-2*)

The Queen's Answers to Addresses reported  
May 7, 1803

**Gelligaer Schools**

Moved that an humble Address be presented to  
Her Majesty, praying Her Majesty to refuse  
her assent to the scheme of the Endowed  
Schools Commissioners for the management  
of the Foundation of Edward Lewis for a  
school at Gelligaer in the county of Glamor-  
gan, and for other charitable objects (*The*  
*Duke of Beaufort*) May 8, [218] 1917; after  
short debate, Motion withdrawn

Then it was moved, that an humble Address  
be presented to Her Majesty, praying Her  
Majesty to refuse her assent to the proviso  
in the 56th clause of the scheme of the En-  
dowed Schools Commissioners for the man-  
agement of the Foundation of Edward Lewis  
for a School at Gelligaer in the county of  
Glamorgan, and for other charitable objects  
(*The Duke of Beaufort*); Motion agreed to  
(*Parl. P. l. 21-2*)

Her Majesty's Answer to Address reported  
May 16, [219] 305

*Endowed Schools Commission*

*Endowed Schools Acts Amendment Bill—Commissioners' Names*, Questions, Mr. Mundella, Mr. W. E. Forster; Answers, Mr. Disraeli July 21, [221] 393; July 27, 761; Question, Mr. W. E. Forster; Answer, Mr. Disraeli July 28, 856; Personal Explanation, Mr. Disraeli July 30, 978;—*Manchester Grammar School*, Question, Mr. Dillwyn; Answer, Viscount Sandon July 21, 391

*Endowed Schools Commissioners Schemes*, Question, Mr. Fawcett; Answer, Viscount Sandon July 20, [221] 300;—*Tunbridge School Scheme*, Question, Mr. Goldsmid; Answer, Viscount Sandon June 15, [219] 1586

*Legislation*, Question, Mr. Leatham; Answer, Viscount Sandon June 8, [219] 1156

*Renewal of Commission*, Question, Mr. Leatham; Answer, Viscount Sandon May 19, [219] 481

**Endowed Schools Acts Amendment Bill**

(Viscount Sandon, Mr. Secretary Cross)

c. Ordered; read 1<sup>o</sup> July 2 [Bill 187]  
Moved, "That the Bill be now read 2<sup>o</sup>"  
220] July 14, 1625

Amendt. to leave out "now," and add "upon this day three months" (Mr. W. E. Forster); Question proposed, "That 'now,' &c.," after long debate, Question put; A. 291, N. 209; M. 82

Main Question put, and agreed to; Bill read 2<sup>o</sup>  
Order for Committee read; Moved, "That Mr. Speaker do now leave the Chair" July 20, 221] 302

Amendt. to leave out from "That," and add "in the opinion of this House, it is inexpedient to sanction a measure which will allow any one religious body to control schools that were thrown open to the whole nation by the policy of the last Parliament" (Mr. Fawcett) v.; Question proposed, "That the words, &c.," after long debate, Moved, "That the Debate be now adjourned" (Sir Charles Forster); Question put; A. 187, N. 266; M. 79

Original Question again proposed; Moved, "That this House do now adjourn" (Mr. Macdonald); Question put, and negatived

Original Question again proposed; Moved, "That the Debate be adjourned till Tomorrow" (Mr. Disraeli); Question put, and agreed to

Adjourned Debate resumed July 21, 398; after long debate, Question put; A. 262, N. 193; M. 69

Division List, A. and N. 483

Main Question, "That Mr. Speaker, &c.," put, and agreed to; Committee

Moved, "That the Chairman do report Progress" (Mr. Fawcett); Motion agreed to; Committee—R.F.

Committee July 22, 490

On Question, "That the Preamble be postponed;" Moved, "That the Chairman do report Progress, and ask leave to sit again" (Mr. Fawcett); A. 62, N. 82; M. 20; Preamble postponed

*Endowed Schools Acts Amendment Bill—cont.*

Moved, "That the Chairman do report Progress, and ask leave to sit again" (Mr. Mundella); after short debate, and it being now a quarter to Six of the clock, Committee—R.F.

221] Committee—R.F. July 23, 560

Committee; Report July 24, 645 [Bill 228]  
Considered\* July 27

Read 3<sup>o</sup>, after short debate July 30, 979

l. Read 1<sup>o</sup>\* (Lord President) July 30 (No. 21)

Read 2<sup>o</sup>, after short debate August 3, 1114

Committee; Report August 4, 1225

Read 3<sup>o</sup>\* August 5

Royal Assent August 7 [37 & 38 Vict. c. 87]

*Endowed Schools Acts Amendment [Sales]*

Resolution considered in Committee July 17  
Resolution reported July 20

**ENFIELD, Viscount**

Ireland—Sligo, Leitrim, and Northern Counties Railway, Motion for Re-comm. [219] 306

*Epping District, Sanitary Condition of*

Question, Dr. Lush; Answer, Mr. Soltau Booth June 22, [220] 221

Moved, "That a Copy of the Correspondence relating to the subject be laid on the Table" (Dr. Lush) July 27, [221] 764; after short debate, Motion withdrawn

**ERRINGTON, Mr. G., Longford Co.**

Game Birds (Ireland), Comm. cl. 1, Amendt. [218] 1337

Ireland—Concordatum Fund, [221] 1145

Discharged Lunatics—Cases of George and Owen Doherty, [221] 1020

Grand Jury System, [218] 813

Ireland—Dublin University, [219] 751; Re [221] 1327

Monastic and Conventual Institutions, Motion for an Address, [221] 830; Amendt. 833

Palace of Westminster—Water-Glass Picture The, [221] 1421

Public Health (Ireland), Comm. cl. 3, Amendt. [220] 1604

**ESLINGTON, Lord, Northumberland, S.**

Board of Trade (Marine Department), [218] 1683

Contagious Diseases (Animals)—Report of Committee (1873), [220] 592

Intoxicating Liquors, Comm. cl. 2, [219] 1094  
Consid. cl. 2, 1697

Merchant Shipping Survey, 2R. [220] 359

Navy—Naval Reserve, [218] 732, 733, 736

Reserve Squadron, [219] 1404

Navy Estimates—Naval Stores, [219] 441

Wages, &c. for Seamen and Marines, [218] 1449

Registration of Births and Deaths, 2R. [219] 284

Valuation of Property, Comm. cl. 3, [220] 186  
646; cl. 7, 670

Ways and Means, Comm. [218] 1055; Report 1200

{cont.



**ESTOOURT, Mr. G. B., Wilts, N.**  
Intoxicating Liquors, Consid. Amendt. [220] 93

**European Assurance Society Arbitration**  
Question, Sir Eardley Wilmot; Answer, Mr.  
Assheton Cross July 23, [221] 555

**EVANS, Mr. T. W., Derbyshire, S.**  
Contagious Diseases (Animals) — Report of  
Committee (1873), [220] 592  
Education Department—Education Code, [219]  
1633  
Elementary Schools, Extra Subjects in, Res.  
[218] 1540  
Intoxicating Liquors, 2R. [219] 108; Comm.  
cl. 2, 1026, 1082; Consid. cl. 27, [220] 120

### Evidence Law Amendment (Scotland) Bill

(*The Lord Advocate, Mr. Secretary Cross*)

c. Ordered; read 1<sup>o</sup> June 23 [Bill 165]  
Read 2<sup>o</sup> June 29, [220] 673  
Committee\*; Report July 10 [Bill 203]  
Committee\* (on re-comm.); Report July 20  
Read 3<sup>o</sup> July 23  
l. Read 1<sup>o</sup> (*The Lord Chancellor*) July 24  
Read 2<sup>o</sup> July 30 (No. 198)  
Committee\*; Report July 31  
Read 3<sup>o</sup> August 3  
Royal Assent August 7 [37 & 38 Vict. c. 64]

**EWING, Mr. A. Orr, Dumbarton**  
[220] Church Patronage (Scotland), 2R. 1124  
[221] Comm. 670; cl. 3, Amendt. 689, 690;  
Amendt. 698, 699; cl. 5, 840; cl. 7, 841,  
842; Consid. cl. 3, Amendt. 1095; cl. 5,  
1102; cl. 9, Amendt. *ib*.  
Church Rates Abolition (Scotland), 2R. [220]  
1300, 1305  
Ways and Means, Report, [218] 1191, 1195

**EXCHEQUER, CHANCELLOR of the (see  
CHANCELLOR of the EXCHEQUER)**

### Excise—Adulteration of Whiskey

Observations, Mr. O'Sullivan; Reply, The  
Chancellor of the Exchequer June 26, [220]  
598

*Inland Revenue Act—Grain for Cattle—Germination of Grain*, Question, Mr. Power;  
Answer, The Chancellor of the Exchequer  
May 4, [218] 1589

### Expiring Laws Continuance Bill

(*Mr. William Henry Smith, Mr. Attorney General*)

c. Ordered; read 1<sup>o</sup> July 9 [Bill 201]  
Question, Captain Nolan; Answer, Mr. W. H.  
[220] Smith July 13, 1521  
Moved, "That the Bill be now read 2<sup>o</sup>"  
[221] July 25, 721

Amendt. to leave out "now," and add "upon  
this day three months" (*Captain Nolan*);  
Question proposed, "That 'now,' &c.;" after  
long debate, Moved, "That the Debate be  
now adjourned" (*Mr. O'Clery*); after  
further debate, Question put; A. 35, N. 110;  
M. 75

Main Question put; A. 112, N. 33; M. 79;  
Bill read 2<sup>o</sup>

### Expiring Laws Continuance Bill—cont.

Moved, "That the House go into Committee  
on the said Bill on Thursday next;" after  
short debate, Question put, and agreed to  
Order for Committee read; Moved, "That Mr.

Speaker do now leave the Chair" July 30,  
[221] 979

Amendt. to leave out from "That," and add  
"in the opinion of this House, it is inexpedient  
that when important Acts of Parliament have  
been passed for a limited period, any of such  
Acts, especially those conferring on the Ex-  
ecutive extraordinary powers, should be in-  
cluded in a general Bill for the continuance  
of Expiring Laws, brought in at the close of  
the Session, without affording any fair op-  
portunity of considering the propriety of  
their discontinuance or their modification"  
(*Mr. Butt*) v.; Question proposed, "That the  
words, &c.;" after debate, Question put;  
A. 156, N. 83; M. 73

Division List, A. and N. 1008

Main Question, "That Mr. Speaker, &c.," put,  
and agreed to; Committee

Moved, "That the Chairman do report Pro-  
gress, and ask leave to sit again" (*Captain  
Nolan*); after short debate, Question put;  
A. 50, N. 204; M. 154

Question again proposed; Moved, "That the  
Chairman do now leave the Chair" (*Mr.  
O'Clery*); after short debate, Question put;  
A. 31, N. 199; M. 168

Question again proposed; Moved, "That the  
Chairman do report Progress, and ask leave  
to sit again" (*Mr. Biggar*); after short de-  
bate, Question put; A. 13, N. 206; M. 193

Moved, "That the Chairman do report Pro-  
gress, and ask leave to sit again" (*Mr.  
O'Gorman*); Question put; A. 34, N. 167;  
M. 133

Moved, "That the Chairman do now leave the  
Chair" (*Mr. Callan*); Question put; A. 16,  
N. 157; M. 141

Moved, "That the Chairman do report Pro-  
gress, and ask leave to sit again" (*Mr.  
Biggar*); Question put; A. 15, N. 160;  
M. 145

Bill reported

Considered July 31, 1071

Read 3<sup>o</sup> August 3

l. Read 1<sup>o</sup> (*The Lord President*) August 3  
Read 2<sup>o</sup> August 4 (No. 220)

Committee\*; Report August 5

Read 3<sup>o</sup> August 6

Royal Assent August 7 [37 & 38 Vict. c. 76]

### Explosive Substances

Select Committee appointed "to inquire into  
the Law relating to the making, keeping,  
carringe, and importation of gunpowder,  
nitro-glycerine, ammunition, fireworks, and  
all substances of an explosive nature, and to  
consider the best means of making adequate  
provision for the safety of the public and of  
the persons employed in such making, keep-  
ing, carriage, and importation, with a due  
regard to the necessities of the trade" (*Mr.  
Secretary Cross*) April 16

And; on April 17, Committee nominated as  
follows:—Sir John Hay (Chairman), Mr.  
Bell (void election June 2), Mr. Dillwyn, Mr.  
Ilick, Mr. Knowles, Mr. Laird, Mr. M'Lagan,

[cont.]

[cont.]

**Explosive Substances—cont.**

Colonel North, Mr. Norwood, Sir Henry Selwin-Ibbetson, Mr. Edward Stanhope, Mr. Stevenson, Mr. Whitelaw, and Mr. Whitwell; April 20, Mr. Arthur Vivian added  
Report of Select Committee June 28  
(*Parl. P. No. 243*)

EXTON, Mr. P. E., *Flint, &c.*

Land Tax, Res. [218] 545

**Factories (Health of Women, &c.) Bill**

(*Mr. Secretary Cross, Sir Henry Selwin-Ibbetson, Viscount Sandon*)

c. Ordered; read 1<sup>o</sup> \* May 18 [Bill 115]  
Moved, "That the Bill be now read 2<sup>o</sup>"  
219] June 11, 1415

Amendt. to leave out from "That," and add "in the opinion of this House, it would be inexpedient to pass those portions of the Bill which impose new legislative restrictions on the number of hours during which adults are to be permitted to work" (*Mr. Fawcett*) v., 1421; Question proposed, "That the words, &c.;" after long debate, Question put; A. 295, N. 79; M. 216

Main Question put, and agreed to; Bill read 2<sup>o</sup>  
Order for Committee read; Moved, "That Mr. Speaker do now leave the Chair"  
220] June 23, 302

Amendt. to leave out from "That," and add "it is expedient to include within the application of the Bill the manufactures and employments to which the Factory Acts Extension Act of 1864, and of 1867, apply" (*Mr. W. Holms*) v.; after short debate, Question, "That the words, &c.," put, and agreed to; after further short debate, main Question, "That Mr. Speaker, &c.," put, and agreed to; Committee; Report

Considered June 25, 478

Read 3<sup>o</sup> June 29, 672; on Question, "That the Bill do pass;" after short debate, Bill passed

l. Read 1<sup>o</sup> \* (*The Lord Steward*) June 30 (No. 143)

Read 2<sup>o</sup>, after short debate July 9, 1326

Committee July 14, 1617

Report \* July 20

Read 3<sup>o</sup> \* July 21

Royal Assent July 30 [37 & 38 Vict. c. 44]

**Factory Acts Amendment Bill**

(*Mr. Mundella, Mr. Shaw, Mr. Callender, Mr. Philips, Mr. Cobbett, Mr. Anderson, Mr. Morley*)

c. Ordered; read 1<sup>o</sup> \* Mar 20 [Bill 5]

Moved, "That the Bill be now read 2<sup>o</sup>" May 6, [218] 1740

Amendt. to leave out from "That," and add "legislation upon interests so vast and important as are involved in the question of diminishing the hours of labour in Factories and of further restricting the capital of the employers, ought to originate with Government rather than with a private Member, and with the previous inquiry of a Committee or Commission to report upon the merits of a question of such magnitude, to guide the House and the Government in determining whether any and what Amendments are

(cont.)

**Factory Acts Amendment Bill—cont.**

needed" (*Sir Thomas Bazley*) v., 1770  
tion proposed, "That the words, &c.;" debate, Moved, "That the Debate be: journe'd" (*Mr. Roebuck*); after further debate, Amendt. withdrawn; Question and agreed to; Debate adjourned  
Bill withdrawn \* June 11

**Factory and Workshop Acts — C  
dation**

Question, Mr. Tennant; Answer, Mr. A Cross June 19, [220] 158

**FAWCETT, Mr. H., Hackney**

Agricultural Tenants, Security for I  
ments by, Res. [220] 209

Budget, The, [221] 857

Children Employed in Agriculture, [219]  
East India Revenue Accounts, Comm  
1192, 1217

Elementary Education (Compulsory  
ance), 2R. [220] 829

Endowed Schools Acts Amendment,  
Amendt. [221] 303, 309, 379; Motion  
reporting Progress, 486, 490; cl. 1, 5  
579, 586; Motion for reporting Progr  
Endowed Schools—Commissioners' S  
[221] 300

Factories (Health of Women, &c.), 2R. 1  
[219] 1421; Comm. cl. 3, Amend  
314, 318; cl. 4, 323; cl. 14, 332

Factory Acts Amendment, 2R. [218] 11  
Great Southern of India and Carnatic  
Companies (No. 2), Comm. [219] 58  
Amendt. 848, 849; 3R. 1496

India—Financial Statement, [219] 621  
Government of—Legislation, [220]

India Councils, 2R. Amendt. [221] 9  
976; Comm. 1218, 1220; cl. 1, 16

Indian Guaranteed Railways, [221] 126

Intoxicating Liquors, 2R. [219] 149;  
cl. 10, 1117

Ireland—Dublin University, Res. [221]  
1374

Ireland—Intermediate Education, Re  
1280

Parliament—Order of Public Business  
11, 638

Public Business, [220] 1527

Police Force Expenses, Comm. cl. 1, M  
reporting Progress, [221] 487

Poor Law—Pauper and Industrial Sch  
tricts, [221] 1336

Supply—Local Assessment—Relief  
Poor, [220] 478

Post Office Telegraph Service, [221]

Rating of Government Property, &  
797, 805, 806

Report, [221] 829

Report—Greenwich Hospital and  
[220] 1469

Sub-Wealden Exploration, [221] 82

Valuation of Property, Comm. cl. 3, [2

**FAY, Mr. C. J., Cavan Co.**

Expiring Laws Continuance, 2R. [22  
Comm. 1002

**FEVERSHAM, Earl of**  
Supreme Court of Judicature Act (1873)  
Amendment, 2R. [219] 1052

**FIELDEN, Mr. J., Yorkshire, W.R.,  
E. Div.**  
Factories (Health of Women, &c.), Comm. [220]  
312; cl. 4, 323; cl. 14, 332; add. cl. 336  
Intoxicating Liquors, Comm. cl. 2, [219] 1088,  
1090  
Malt Tax, Res. Amendt. [218] 1021, 1040

### *Fiji Islands*

Copy of a letter addressed to Commodore  
Goodenough, R.N., and E. L. Layard,  
esquire, Her Majesty's Consul in Fiji, in-  
structing them to report upon various ques-  
tions connected with the Fiji Islands; with  
enclosures; presented (*The Earl of Carnar-  
von*) April 20, [218] 809  
Question, Mr. William M'Arthur; Answer,  
Mr. J. Lowther April 14, [218] 544; June 11,  
[219] 1406; Question, Viscount Canterbury;  
Answer, The Earl of Carnarvon July 9,  
[220] 1341  
Observations, The Earl of Carnarvon; debate  
[221] thereon July 17, 179; Question, Observa-  
tions, Mr. Goschen; Reply, Mr. Gathorne  
Hardy July 17, 246; Question, Mr. Alder-  
man W. M'Arthur; Answer, Mr. Disraeli  
July 20, 301; Observations, Sir Charles W.  
Dilke July 12, 394; short debate thereon

### *Fiji Islands—Annexation*

Moved, "That this House is gratified to learn  
that Her Majesty's Government have yielded  
to the unanimous request of the Chiefs,  
Native population, and White residents of  
Fiji, for annexation to this Country, so far as  
to direct Sir Hercules Robinson to proceed to  
those Islands, with the view to the accom-  
plishment of that object" (*Mr. William  
M'Arthur*) August 4, [221] 1264  
Amendt. to leave out from "That," and add  
"this House considers that, having regard to  
the existence in the case of Fiji of difficulties  
caused by the necessity of 'subjugating and  
removing' 20,000 ferocious mountaineers,  
and by the fact that domestic slavery is pro-  
nounced by Commodore Goodenough and  
Consul Layard, in their official Report,  
to be 'the foundation of social order' in Fiji,  
it is necessary that great caution should be  
used in approaching the subject of annexa-  
tion" (*Sir Charles W. Dilke*) v.; Question  
proposed, "That the words, &c.;" after  
debate, Question put; A. 81, N. 28; M. 53;  
main Question put, and negatived  
Parl Papers—  
Correspondence . . . . . [983]  
Report on Offer of Cession . . . [1011]

**FINCH, Mr. G. H., Rutland**  
Endowed Schools Acts Amendment, Comm.  
[221] 360

**Fines Act (Ireland) Amendment Bill**  
(*Mr. Attorney General for Ireland, Sir Michael  
Hicks-Beach*)

c. Ordered; read 1<sup>st</sup> July 22 [Bill 222]  
Read 2<sup>nd</sup> July 25  
Committee\*; Report July 29  
Considered\* July 30  
Read 3<sup>rd</sup> July 31  
l. Read 1<sup>st</sup> (*The Lord President*) August 3  
Read 2<sup>nd</sup> August 4 (No. 218)  
Committee\*; Report August 5  
Read 3<sup>rd</sup> August 6  
Royal Assent August 7 [37 & 38 Vict. c. 72]

**Fines, Fees, and Penalties Bill—See title  
Municipal Corporations (Disposition  
of Penalties) Bill**

**Fires, Protection against—Legislation**  
Question, Mr. M'Lagan; Answer, Mr. Assheton  
Cross April 28, [218] 1261

**Fishery Acts—The River Tweed**  
Question, Sir George Douglas; Answer, Mr.  
Assheton Cross August 5, [221] 1337

**FITZGERALD, Right Hon. Sir W. S.,  
Horsham**  
East India Loan, [218] 248; 3R. 350  
East India Revenue Accounts, Comm. [221]  
1206, 1209, 1210  
India—Kirwee Prize Accounts, [220] 605  
India Councils, 2R. [221] 942, 976  
Intoxicating Liquors, Comm. add. cl. [219]  
1201; Consid. cl. 26, 1717

**FITZMAURICE, Lord E. G., Calne**  
Education Department—Education Code, [219]  
1627  
Endowed Schools Acts Amendment, Comm.  
[221] 398, 416  
Hertford College (Oxford), [219] 480  
Intoxicating Liquors, Comm. cl. 2, [219] 1088  
Ireland—National Education Commissioners—  
Callan Schools, Res. [219] 876  
Metropolitan Board of Works, 2R. [218] 399

**FITZWILLIAM, Earl**  
Army—Royal Warrant, 1871—First Commis-  
sions, Address for a Paper, [221] 1389, 1391

**FLOYER, Mr. J., Dorsetshire**  
Intoxicating Liquors, Comm. cl. 2, [219] 1030  
Juries, Comm. cl. 50, [219] 298; cl. 77, 806  
Supply—Broadmoor Criminal Lunatic Asylum,  
[219] 357  
Valuation of Property, Comm. cl. 3, [220] 663

**FORDYCE, Mr. W. D., Aberdeenshire, E.**  
Church Patronage (Scotland), 2R. [220] 1558  
Sootch Fishery Board—Herring Barrels, [219]  
66  
Spiritous Liquors (Scotland), 2R. [219] 568

*oreign Office—Salaries*

Question, Sir Henry Drummond Wolff; Answer,  
Mr. Bourke *Mar 23*, [218] 231

FORESTER, Right Hon. Major General  
G. C. W., *Wenlock*

Wenlock Elementary Education, 2R. [220] 283

FORSTER, Right Hon. W. E., *Bradford*

- Ballot Act, [218] 375  
Cattle, Transit of—Vienna Conference, [221] 392  
Charity Commissioners, The New, [221] 761  
Education Department—Education Code, [219] 1633  
Education Department—Revised Code, Res. [218] 1725, 1730  
Elementary Education Act (1870) Amendment, 2R. [219] 1343, 1344, 1347  
Elementary Education (Compulsory Attendance), 2R. [220] 835, 842  
Elementary Education, Extra Subjects in, Res. [218] 1545  
220] Endowed Schools Acts Amendment, 2R. Amendt. 1644  
221] Comm. 326, 347, 377, 378, 379; *cl.* 1, 531, 589, 572; *cl.* 4, 594, 600, 608; *add. cl.* 648; Preamble, Amendt. 649, 650, 651  
Endowed Schools Acts Amendment—Commissioners' Names, [221] 393, 856  
Endowed Schools—Commissioners' Schemes, [221] 300  
Factories (Health of Women, &c.), Comm. *cl.* 4, [220] 321; *cl.* 14, 331  
Factory Acts Amendment, 2R. [218] 1801, 1802  
Friendly Societies, 2R. [220] 262  
Gold Coast, Slavery on the, Res. [220] 635  
Great Southern of India and Carnatic Railway Companies (No. 2), 3R. [219] 1495  
Household Franchise (Counties), 2R. [219] 241  
Income Tax, Res. [220] 1043  
218] Intoxicating Liquors, Leave, 1254  
219] 2R. 101, 146, 149; Comm. *cl.* 2, 1022, 1031, 1067, 1082, 1086, 1098; *cl.* 10, 1117; Consid. 1692; *cl.* 2, 1700; *cl.* 26, 1734, 1738, 1740  
220] Consid. 90; *cl.* 5, 98; *cl.* 27, 116, 118, 122, 127  
Metropolis—Working People's Dwellings, Res. [218] 1972  
Municipal Franchise (Ireland), 2R. [218] 784  
Parliament—Order of Public Business, [221] 6, 636  
Public Business, [220] 228  
Parliament—Business of the House, Res. [219] 1413  
Parliamentary Elections (Polling), 2R. [218] 314  
Public Worship Regulation, 2R. [220] 1439, 1442; [221] 38; Comm. 218; *cl.* 8, 258, 266  
Supply—Comptroller and Auditor General of the Exchequer, [218] 775  
Public Education, [219] 1639, 1647  
Science and Art Department, [219] 1654  
Elementary Education, 2R. [220]

FORSTER, Sir C., *Walsall*

Endowed Schools Acts Amendment, Comm. [221] 378  
Parliament—Privilege—Offensive Imputations, [219] 1153  
Public Worship Regulation (Consolidated Fund, &c.), Comm. [221] 912

FORSYTH, Mr. W., *Marylebone*

Army—Knightsbridge Barracks, Removal of, [218] 926  
Wormwood Scrubs, Prison at, [218] 927  
Co-operative Supply Associations, [221] 866  
Criminal Law—Venables, William, Sentence on, [220] 71  
East India Annuity Funds, Comm. [218] 898; Consid. *add. cl.* 1488  
East India Revenue Accounts, Comm. [220] 1202, 1211  
Endowed Schools Acts Amendment, Comm. [221] 355; *cl.* 1, 516  
Expiring Laws Continuance, Comm. [221] 1002; *cl.* 2, 1018  
Imprisonment for Debt, 2R. [218] 567  
India—Amir of Kashgar, [219] 339  
Bengal Famine, [220] 698  
Intoxicating Liquors, 2R. [219] 116; Comm. *cl.* 2, Amendt. 1003; *add. cl.* 1195; Consid. *cl.* 26, 1716; *cl.* 13, [220] 106; *cl.* 27, 176  
Intoxicating Liquors (Ireland) (No. 2), Comm. *cl.* 21, [220] 1006; *add. cl.* 1008  
Juries, 2R. [218] 974; Comm. *cl.* 50, [219] 297; *cl.* 53, 874; *cl.* 77, 807  
Merchant Shipping Survey, 2R. [220] 353  
Metropolis—Regent's Canal, [221] 1146  
Salaries of Metropolitan Police Magistrates, [219] 310  
Thames Embankment, [218] 631  
Monastic and Conventual Institutions, Res. [219] 1523  
Parliament—Launceston New Writ, [220] 512  
Public Business, [221] 643  
Stroud, Borough of—New Writ, [220] 1939  
Parliament—Privilege—Explosive Substances Committee, Special Report, [219] 7  
Amendt. 753  
Post Office Establishment, Salaries, [219]  
Public Meetings (Ireland), 2R. [219] 588,  
Public Worship Regulation, 2R. [220]  
Comm. *cl.* 6, [221] 233; *cl.* 7, 237; Amendt. 875, 876; *cl.* 9, 889; *cl.* 19 *add. cl.* 903, 905  
Public Worship Regulation (Consolidated &c.) Comm. [221] 913  
Revenue Officers Disabilities, 2R. [218]  
Women's Disabilities Removal, [220]  
Withdrawal of Bill, [221] 119

FORTESCUE, Earl

Army—Royal Warrant, 1871—Fissions, Address for a Paper, [221]  
Endowed Schools—Ellsworth's Chair for, Motion for an Address, [218]  
Endowed Schools Commission, [21]  
Intoxicating Liquors, Comm. *cl.* 3  
Metropolitan Improvements—The ment Offices—Knightsbridge B 1402  
Naval Cadets, Res. [220] 1072

**FORTESCUE, Earl—cont.**

- Poor Law Amendment (Removal), 2R. [221] 766  
Public Worship Regulation, Commons Amendts. Consid. [221] 1251  
Rating, Comm. cl. 6, [221] 544  
Sanitary Laws Amendment, 2R. [221] 961

**FOTHERGILL, Mr. R., *Morther Tydevil***

- Intoxicating Liquors, Leave, [218] 1252 ; Comm. cl. 2, [219] 1069

**Four Courts Marshalsea, Dublin, Bill**

(*Sir Michael Hicks-Beach, Mr. Attorney General for Ireland*)

- c. Ordered ; read 1<sup>o</sup> \* May 18 [Bill 116]  
Read 2<sup>o</sup> \* May 19  
Committee\* ; Report June 8  
Considered \* June 10  
Read 3<sup>o</sup> \* June 11  
l. Read 1<sup>o</sup> \* (*The Lord President*) June 12  
Read 2<sup>o</sup> \* June 18 (No. 107)  
Committee\* ; Report June 19  
Read 3<sup>o</sup> \* June 22  
Royal Assent June 30 [37 & 38 Vict. c. 21]

**Foyle College Bill [H.L.]**

(*The Lord Chancellor*)

2. Presented ; read 1<sup>o</sup> \* July 7 (No. 159)  
Read 2<sup>o</sup> \* July 10  
Committee\* ; Report July 13  
Read 3<sup>o</sup> \* July 14  
Commons Amendts. (No. 210)  
c. Read 1<sup>o</sup> \* July 16 [Bill 208]  
Read 2<sup>o</sup> \* July 17  
Committee July 20, [221] 380  
Moved, "That the Chairman report Progress, and ask leave to sit again" (*Mr. Butt*) ; after short debate, Motion withdrawn ; Bill reported  
Considered \* July 28  
Read 3<sup>o</sup> \* July 29  
l. Royal Assent August 7 [37 & 38 Vict. c. 79]

**France**

*Bills of Health in French Ports*, Question, Lord Houghton ; Answer, The Earl of Derby May 7, [218] 1833

*International Convention*, 1864, Question, Mr. Ritchie ; Answer, The Chancellor of the Exchequer July 13, [220] 1519

*Refined Sugar*, Question, Mr. Coope ; Answer, The Chancellor of the Exchequer May 21, [219] 620

*The Commercial Treaty*, 1872—*British Mineral Oils*, Question, Mr. Brogden ; Answer, Mr. Bourke April 14, [218] 541 ;—*British Salt*, Question, Mr. Wilbraham Egerton ; Answer, Mr. Bourke April 30, 1407 ;—*French Sugar Refineries*, Question, Mr. Ritchie ; Answer, Mr. Bourke July 16, [221] 126

The Treaty . . . . . [886]

Supplementary Convention . . . [888]

**FRASER, Sir W., *Kidderminster***

- Labour Laws, [221] 1334  
Open Spaces (Metropolis), 2R. [221] 1373

**FRESHFIELD, Mr. C. K., *Dover***

- India—*Kirwee Prize Money*, [218] 407  
Intoxicating Liquors, Consid. cl. 2, [219] 1697 ; cl. 26, 1722 ; Consid. [220] 87  
Juries, Comm. cl. 5, Amendt. [219] 287  
Metropolis—*New Law Courts*, [220] 1349  
Public Worship Regulation, Comm. cl. 9, Amendt. [221] 889

**Friendly Societies—Legislation**

Question, Mr. Earp ; Answer, The Chancellor of the Exchequer April 27, [218] 1178

**Friendly Societies Bill**

(*Mr. Chancellor of the Exchequer, Mr. Secretary Cross, Mr. William Henry Smith*)

219] c. *Legislation*, Observations, The Chancellor of the Exchequer June 5, 1054

c. Motion for Leave (*The Chancellor of the Exchequer*) June 8, 1206 ; after short debate, Motion agreed to ; Bill ordered ; read 1<sup>o</sup> \* [Bill 140]

Question, Mr. E. Jenkins ; Answer, The Chancellor of the Exchequer June 16, 1677

220] Moved, "That the Bill be now read 2<sup>o</sup> " June 22, 248

After long debate, Moved, "That the Debate be now adjourned" (*Mr. E. Stanhope*) ; after further short debate, Motion withdrawn

Main Question put, and agreed to ; Bill read 2<sup>o</sup>

Moved, "That the House go into Committee in order that the Bill be reprinted" June 29, 673 ; Motion agreed to ; Committee ; Report [Bill 181]

221] Order for Committee (*on re-comm.*) read and discharged July 22, 480 ; Bill withdrawn

**GALWAY, Viscount, *Retford (East)***

Intoxicating Liquors, Comm. cl. 2, [219] 1022 ; Consid. cl. 26, 1729, 1740 ; Consid. cl. 27, [220] 115, 176

Public Worship Regulation, Comm. cl. 6, [221] 235

Supply—Salaries of the Officers, &c. of the Household of the Lord Lieutenant of Ireland, [219] 346

Valuation of Property, Comm. cl. 3, [220] 651

**Game Birds (Ireland) Bill**

(*Viscount Crichton, Mr. Serjeant Sherlock, The Marquess of Hamilton*)

c. Ordered ; read 1<sup>o</sup> \* *Mirr* 24 [Bill 37]

Moved, "That the Bill be now read 2<sup>o</sup> " April 15, [218] 615

Amendt. to leave out "now," and add "upon this day six months" (*Mr. O'Connor*) ; after short debate, Question put, "That 'now,' &c. ;" A. 141, N. 60 ; M. 81

Main Question put, and agreed to ; Bill read 2<sup>o</sup>

Committee ; Report April 28, 1337

Considered \* April 29

Read 3<sup>o</sup> \* April 30

l. Read 1<sup>o</sup> \* (*Viscount Powerscourt*) May 1

Read 2<sup>o</sup> \* May 5 (No. 49)

Committee\* ; Report May 7

Read 3<sup>o</sup> \* May 8

Royal Assent May 21 [37 Vict. c. 11]

**Game Laws Abolition Bill**

(*Mr. P. A. Taylor, Mr. Burt, Mr. Dickinson, Mr. George Dixon, Mr. M'Combie*)

c. Ordered; read 1<sup>o</sup> \* Mar 24 [Bill 36]  
Bill withdrawn \* July 2

**Game Laws (Scotland) Bill**

(*Mr. M'Lagan, Sir Edward Colebrooke, Mr. Orr Ewing, Mr. Mailland*)

c. Ordered; read 1<sup>o</sup> \* Mar 20' [Bill 17]  
Moved, "That the Bill be now read 2<sup>o</sup>."  
April 29, [218] 1357  
Amendt. to leave out "now," and add "upon this day six months" (*Colonel Alexander*); after debate, Question put, "That 'now,' &c.;" A. 127, N. 192; M. 65  
Words added; main Question, as amended, put, and agreed to; 2R. put off for six months

**GARDNER, Mr. J. T. Agg-, Cheltenham**

Indian Ordnance Corps, The late—Compensation, [220] 1522

Intoxicating Liquors, Consid. cl. 26, Amendt. [219] 1713

Navy—Boys, Admission of, into the, [219] 1676  
Railways—Lamps in Railway Carriages, [218] 1484

**GARNIER, Mr. J. CARPENTER-, Devon, S.**

Agricultural Tenants, Security for Improvements by, Res. [220] 204

Valuation of Property, 2R. [219] 663

**Gas and Water Orders Confirmation Bill [H.L.]**

(*The Lord Dunmore*)

l. Presented; read 1<sup>o</sup> \*; and referred to the Examiners May 4 (No. 52)

Read 2<sup>o</sup> \* May 15

Committee \* June 11

Report \* June 12

Read 3<sup>o</sup> \* June 15

c. Read 1<sup>o</sup> \* June 18 [Bill 158]

Read 2<sup>o</sup> \* June 22

Committee \*; Report July 1

Read 3<sup>o</sup> \* July 2

l. Royal Assent July 16 [37 & 38 Vict. c. lxxxvii]

**Gas Companies—The Price of Gas**

Question, Mr. Goldney; Answer, Sir Charles Adderley Mar 26, [218] 338

**Gas Orders Confirmation Bill [H.L.]**

(*The Lord Dunmore*)

l. Presented; read 1<sup>o</sup> \* April 16 (No. 25)

Read 2<sup>o</sup> \* April 20

Committee \*; Report April 28

Read 3<sup>o</sup> \* April 30

c. Read 1<sup>o</sup> \* (*Mr. Cavendish Bentinck*) May 5

Read 2<sup>o</sup> \* May 7 [Bill 94]

Committee \*; Report May 18

Read 3<sup>o</sup> \* May 19

l. Royal Assent June 30 [37 & 38 Vict. c. xvii]

**General School of Law Bill [H.L.]**

(*The Lord Selborne*)

l. Presented; read 1<sup>o</sup> \* July 13 (No. 170)

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221] 118; Comm. 223, 225; cl. 1, 229; cl. 3,

230; cl. 6, 231; cl. 7, Amendt. 242; cl. 8,

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**Glebe Lands Sale Bill [H.L.]**

(*The Lord Bishop of Carlisle*)

l. Presented; read 1<sup>o</sup> \* June 25 (No. 136)

Moved, "That the Bill be now read 2<sup>o</sup> July 6, [220] 1073

Amendt. to leave out ("now," and add ("th day three months") (*Viscount Portman*) after short debate, Amendt. and original Motion and Bill withdrawn

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Great Seal Offices Bill

(Mr. William Henry Smith, Mr. Attorney General)

- c. Ordered; read 1<sup>o</sup> \* July 22 [Bill 223]
- Read 2<sup>o</sup> \* July 27
- Committee \*; Report July 29
- Considered \* July 30
- Read 3<sup>o</sup> \* July 31
- l. Read 1<sup>o</sup> \* (The Lord Chancellor) August 3
- Read 2<sup>o</sup> \* August 4 (No. 217)
- Committee \*; Report August 5
- Read 3<sup>o</sup> \* August 6
- Royal Assent August 7 [37 & 38 Vict. c. 81]

Great Seal Offices [Salaries, &c.]

- Resolution in Committee July 27
- Resolution reported July 28



*Southern of India and Carnatic  
Way Companies (No. 2) Bill*

ved, "That this House will, To-morrow,  
e itself into a Committee to consider  
pendency of authorising the Secretary  
te in Council of India and the Com-  
to be amalgamated under the Bill, to  
into effect an Agreement which has  
come to between the said Secretary of  
and the said Companies, and which is  
iled to the Bill" (*The Chancellor of  
chequer*) May 19, 530; after short  
Motion agreed to

"That the Bill be now read 2<sup>o</sup>" (*Lord  
Hamilton*) June 2, 848

to leave out "now," and add "upon  
lay three months" (*Mr. Fawcett*);  
short debate, Question, "That 'now,'  
put, and agreed to; main Question  
nd agreed to; Bill read 2<sup>o</sup>

'That, in the case of the Great Southern  
ia and Carnatic Railway Companies  
l) Bill, Standing Order 242 be sus-  
l, and that the Bill be now read the  
time" (*Sir Charles Forster*) June 12,

"That the debate be now adjourned"  
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ikes, Lord George Hamilton, Mr. William  
 Henry Smith)  
 dered in Committee \* Mar 31  
 ed \* April 13  
 1<sup>o</sup> \* April 14 [Bill 66]  
 2<sup>o</sup> \* April 16  
 nittee ; Report May 14, [219] 301  
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 3<sup>o</sup> \* June 11  
 1<sup>a</sup> \* (The Earl of Carnarvon) June 12  
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 nittee \* ; Report June 19  
 3<sup>a</sup> \* June 23  
 l Assent June 30 [37 & 38 Vict. c. 24]

#### ur Dues (Isle of Man) Bill

ikes, Mr. William Henry Smith, Sir  
 Henry Selwin-Ibbetson)  
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 r 31  
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 2<sup>o</sup> \* April 16  
 nittee \* ; Report April 20  
 3<sup>o</sup> \* April 23  
 1<sup>a</sup> \* (The Lord President) April 24  
 2<sup>a</sup> \* May 1 (No. 34)  
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 3<sup>a</sup> \* May 5  
 l Assent May 21 [37 Vict. c. 8]

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(*The Lord Advocate, Mr. Secretary C.*)  
*c.* Ordered; read 1<sup>o</sup> \* *May* 14 [Bill]  
Read 2<sup>o</sup> \* *May* 21  
Committee \*; Report *June* 8  
Read 3<sup>o</sup> \* *June* 11  
*l.* Read 1<sup>o</sup> \* (*Lord Dunmore*) *June* 12 [Bill]  
Read 2<sup>a</sup> \* *June* 23  
Committee \*; Report *June* 25  
Read 3<sup>a</sup> \* *June* 26  
Royal Assent *June* 30 [37 & 38 Vict.]

**Herring Fishery (Close Time) (Scotland) Bill** (*The Marquess of Lorne, Mr. Dalrymple*)

*c.* Ordered; read 1<sup>o</sup> \* *June* 24 [Bill]  
Read 2<sup>o</sup> \* *June* 29  
Committee [Dropped]

**Hertford College, Oxford, Bill** [H.L.]

(*The Marquess of Salisbury*)

- l. Presented; read 1<sup>st</sup> April 28 (No. 46)
- Read 2<sup>nd</sup> May 4
- Committee<sup>c</sup>; Report May 5
- Read 3<sup>rd</sup> May 8
- Commons Amendts. (No. 162)
- c. Read 1<sup>st</sup> (Mr. Mowbray) May 11 [Bill 103]
- Questions, Lord Edmond Fitzmaurice, Mr. Knatchbull-Hugessen; Answers, Mr. Mowbray May 19, [219] 480
- Read 2<sup>nd</sup> June 30
- Committee<sup>c</sup>—R.F. July 1
- Committee July 3, [220] 1053
- Moved, "That the Chairman report Progress, and ask leave to sit again" (Mr. Dilwyn); Question put; A. 29, N. 84; M. 55
- Bill reported
- Considered<sup>c</sup> July 6
- Read 3<sup>rd</sup> July 7
- l. Royal Assent August 7 [37 & 38 Vict. c. 55]

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**Highways, England and Wales—Legislation**

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**Holyhead Old Harbour Road Bill**

(*Sir Charles Adderley, Mr. Cavendish Bentinck*)

c. Ordered; read 1<sup>o</sup> \* Mar 27 [Bill 51]  
Read 2<sup>o</sup> \*, and referred to a Select Committee  
April 16  
And, on April 30, Committee nominated as  
follows:—Sir Harcourt Johnstone (Chair-  
man), Lord Henry Scott, and Mr. Sturt—  
added by the Committee of Selection. Mr.  
Gwynne Holford; May 8, Mr. Leveson  
Gower *disch.* Lord G. Cavendish *added*;  
May 15, Lord G. Cavendish *disch.* Mr. Shaw  
Lefevre *added*  
Re-comm. \*; Report May 19  
Re-comm. \*; Report May 21  
Read 3<sup>o</sup> \* June 1  
l. Read 1<sup>o</sup> \* (*Lord Dunmore*) June 2 (No. 83)  
Read 2<sup>o</sup> \* June 11  
Committee \*; Report June 23  
Read 3<sup>o</sup> \* June 25  
Royal Assent June 30 [37 & 38 Vict. c. 30]

**Homicide Law Amendment Bill**

(*Mr. Russell Gurney, Mr. Lopes*)

c. Ordered; read 1<sup>o</sup> \* Mar 24 [Bill 44]  
Read 2<sup>o</sup> \* and committed to a Select Committee  
May 14  
And, on May 22, Committee nominated as fol-  
lows:—Mr. Lowe (Chairman), Mr. Bristowe,  
Mr. Charley, Mr. George Clive, Mr. Evans,  
Mr. Floyer, Mr. Russell Gurney, Mr. Walter  
James, Sir George Jenkinson, Sir John Kars-  
lake, Sir John Kennaway, Mr. George  
Lefevre, Mr. Massey, Sir Colman O'Loughlen,  
Mr. Leigh Pemberton, Mr. Salt, Mr. Solicitor  
General (Mr. Holker), and Mr. Watkin  
Williams  
Report of Select Comm. July 21 (P. P. No. 315)  
Bill reported \* July 21

*Honduras—The Minister Plenipotentiary,*  
*M. Gutierrez*

Question, Mr. Kinnaird; Answer, Mr. Bourke  
May 21, [219] 615

HOPE, Mr. A. J. Beresford, *Cambridge*  
*University*

Ancient Monuments, 2R. [218] 581  
Army—Military Centres—Oxford, Motion for  
a Committee, [219] 702, 722  
Churchwardens, 2R. Amendt. [218] 706, 707  
Ecclesiastical Offences, Leave, [218] 1666  
Endowed Schools Acts Amendment, 2R. [220]  
1669; Comm. cl. 4, [221] 598; Preamble,  
649, 650  
Metropolis—Burlington House, Colonnade of,  
[221] 1333, 1334  
Metropolitan Buildings and Management, 2R.  
[218] 1348  
Museums, Opening of, on a Sunday, Res. [219]  
525  
Parliament—Business of the House, [218] 109  
New Writ—Borough of Stroud, [218]  
1942  
Order of Public Business, [221] 5  
Public Business, [221] 632  
Parliament—Business of the House (Opposed  
Business), Res. [218] 281  
220] Public Worship Regulation, 2R. 1442, 1443  
221] 20; Comm. 216, 221; cl. 6, 230, 234;  
cl. 7, Amendt. 236, 241, 247; cl. 8, Amendt.  
252, 253, 254; Amendt. 255; Amendt. 256,  
257, 259; Amendt. 261, 266, 276; cl. 9,  
Amendt. 880; Amendt. 883, 884; Amendt.  
888; Amendt. 889; cl. 12, Amendt. 890;  
cl. 13, *ib.*; cl. 15, Amendt. 891; cl. 19,  
892, 897; *add.* cl. 900, 902; 3R. 1158  
Supply—British Museum, [220] 448  
Houses of Parliament, [218] 1136  
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New Home and Colonial Offices, [218]  
1137, 1139  
Parks and Pleasure Gardens, [218] 1132  
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Tramways Provisional Orders Confirmation,  
Comm. Schedule 1, Amendt. [221] 703  
University Female Education, [219] 1548

HOPWOOD, Mr. C. H., *Stockport*

Factories (Health of Women, &c.), Comm.  
*add.* cl. [220] 336  
Juries, Comm. cl. 73, [219] 803; cl. 77, 805;  
*add.* cl. 1665  
Supreme Court of Judicature Act (1873)  
Amendment, Comm. [221] 152

HORSMAN, Right Hon. E., *Liskeard*

Army—Lord Sandhurst, Res. [219] 640, 641,  
647, 652  
Church Patronage (Scotland), 2R. [220] 1184,  
1589; Comm. [221] 678; cl. 3, 690, 694,  
697, 699  
Convocation—The Letters of Business, [220] 513  
Established Church (Scotland) (Communicants),  
[219] 1270  
Gold Coast, [219] 313, 314  
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Intoxicating Liquors, Comm. cl. 2, [219] 1023,  
1029, 1030  
Ireland—National Education Commissioners—  
Callan Schools, Res. [219] 910

[*cont.*]



**HORSMAN, Right Hon. E.—cont.**

Merchant Shipping Survey, 2R. [220] 380  
Municipal Privileges (Ireland), 2R. [218] 950, 956  
Parliament—Business of the House (Opposed Business), Res. [218] 285, 1098, 1099  
Parliament—Order of Public Business, [221] 59  
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Ways and Means, Comm. [218] 1053, 1055

**Hosiery Manufacture (Wages) Bill**

(*Mr. Pell, Mr. Clowes, Mr. Heygate, Mr. Macdonald*)

c. Ordered; read 1<sup>o</sup> May 21 [Bill 124]  
Read 2<sup>o</sup> July 1  
Committee; Report July 3  
Read 3<sup>o</sup> July 7  
l. Read 1<sup>o</sup> (Lord Hampton) July 9 (No. 163)  
Read 2<sup>o</sup> July 16  
Committee; Report July 21  
Read 3<sup>o</sup> July 22  
Royal Assent July 30 [37 & 38 Vict. c. 48]

**HOUGHTON, Lord**

Bills of Health in French Ports, [218] 1833  
Railways, Address for a Royal Commission, [218] 1153, 1158  
Suez Canal, Address for Papers, [219] 1036

**Household Franchise (Counties) Bill**

(*Mr. Trevelyan, Mr. Lambert, Mr. Osborne Morgan, Sir Robert Anstruther, The O'Donoghue*)

c. Ordered; read 1<sup>o</sup> Mar 20 [Bill 7]  
Moved, "That the Bill be now read 2<sup>o</sup>" May 13, [219] 206  
Amend. to leave out "now," and add "upon this day six months" (*Mr. Salt*); after debate, Question put, "That 'now,' &c.;" A. 173, N. 287; M. 114  
Words added; main Question, as amended, put, and agreed to; 2R. put off for six months  
Division List, A. and N., 260

**HUBBARD, Mr. Egerton J., Buckingham**

Borough Police—Grants in Aid, [220] 506  
Friendly Societies, 2R. [220] 274  
India—Meteorological Department, Motion for Papers, [218] 1987; [221] 1033  
Parliament—Public Business, [221] 639  
Public Worship Regulation, 2R. [221] 84; Comm. cl. 1, Amendt. 228; cl. 6, 235; cl. 8, Amendt. 262, 266; cl. 1, Amendt. 905  
Sanitary Laws Amendment, Comm. cl. 36, [220] 1490

**HUBBARD, Mr. J. G., London**

Endowed Schools Acts Amendment, Comm. [221] 413  
Income Tax, Res. [220] 1035, 1037  
Metropolis—Dwellings of Working People, Res. [218] 1978  
Public Worship Regulation, 2R. [220] 1437; Comm. cl. 9, [221] 887; Consid. 1043, 1044; cl. 7, 1060  
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Report—Greenwich Hospital and School, [220] 1492  
Ways and Means, Report, [218] 1186

**HUDDLESTON, Mr. J. W., Norwich**

Juries, 2R. [218] 976

**HUNT, Right Hon. G. W. (First Lord of the Admiralty), Northamptonshire, N.**

Africa, East Coast of—Slave Trade, [220] 1520  
Army—Purchase Officers Commission, [218] 715  
Ashantee Expedition, [218] 486  
Officers, Honours to, [218] 713  
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Navy—Miscellaneous Questions  
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Case of Admiral Eardley Wilmot, [220] 1624; [221] 972  
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Parliamentary Elections, [221] 1035  
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Wentworth Ordnance—Trials, [220] 70  
Navy—Commander Cheyne, Case of, Res. [221] 769  
Navy—Unarmoured and Iron-clad Ships, Res. [218] 1862, 1863, 1867, 1869, 1872  
Navy Estimates—Dockyards, &c. at Home and Abroad, [219] 429, 430, 433  
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Marine Divisions, [218] 1486  
Men and Boys, &c. [218] 477  
Steam Machinery, &c. [219] 444, 445, 448  
Wages, &c. for Seamen and Marines, [218] 250, 849, 857, 860, 867, 876, 890, 1412, 1420, 1468, 1478, 1480, 1481  
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**HUNTLY, Marquess of**

Agricultural Tenants Improvements, 2R. [221] 107, 114  
Church Patronage (Scotland), Comm. cl. 3, [219] 1252, 1255; Amendt. 1259

# Hypothec (Scotland) Bill

(Mr. Vans

*Agnew, Mr. Baillie Hamilton, Sir William Stirling-Maxwell, Sir George Douglas)*

- c. Ordered; read 1<sup>o</sup> \* Mar 24 [Bill 39]
- 2R. [Dropped]

# Imprisonment for Debt Bill

(Mr. Bass, Mr. Cobbett, Mr. Henry Feilden)

- c. Ordered; read 1<sup>o</sup> \* Mar 20 [Bill 19]
- Moved, "That the Bill be now read 2<sup>o</sup>"
- April 14, [218] 545*
- Amendt. to leave out "now," and add "upon this day six months" (Mr. Lopes); after debate, Question put, "That 'now,' &c.,"
- A. 72, N. 215; M. 143
- Words added; main Question, as amended, put, and agreed to; 2R. put off for six months

# INCHIQUEIN, Lord

- Ireland—Sligo, Leitrim, and Northern Counties Railway, Motion for Re-comm. [219] 307
- Irish Peerage, Address to Her Majesty, [219] 1476, 1488
- Railways, Ireland—Guarantees from County Rates, [218] 1397

# Inclosure Bill

(Sir Henry Selwin-Ibbetson, Mr. Secretary Cross)

- c. Ordered; read 1<sup>o</sup> \* May 21 [Bill 122]
- Question, Sir Charles W. Dilke; Answer, Mr. Assheton Cross July 6, [220] 1080
- Bill withdrawn \* July 7

# Income Tax, The

- Amendt. on Committee of Supply Mar 23, To leave out from "That," and add "in the opinion of this House, incomes not exceeding £500 a-year should be exempted from the payment of Income Tax" (Mr. Sandford) v., [218] 234; Question proposed, "That the words, &c.;" after debate, Amendt. withdrawn

# Income Tax, The

- Postponement of Motion (Mr. Charles Lewis) April 13, [218] 496
- Amendt. on Committee of Supply July 3, To leave out from "That," and add "in the opinion of this House, the continued imposition of the Income Tax, except in time of war or some great national emergency, is unjust and impolitic, and it is advisable that such Tax should be still further reduced and ultimately altogether repealed at the earliest possible period" (Mr. Charles Lewis) v., [220] 1016; Question proposed, "That the words, &c.;" after debate, Question put; A. 139, N. 38; M. 101

# INDIA

## MISCELLANEOUS QUESTIONS

- Bengal Famine*, Question, Mr. Forsyth; Answer, Lord George Hamilton June 30, [220] 698;—*Indian Relief Works—Wages Rate*, Question, Mr. Fortescue Harrison; Answer, Lord George Hamilton July 13, 1518

[cont.

# INDIA—cont.

- East India Revenue Accounts—The Annual Financial Statement*, Question, Mr. Salt; Answer, Mr. Disraeli Mar 26, [218] 334; Question, Mr. Fawcett; Answer, Lord George Hamilton May 21, [219] 621
- Ecclesiastical Appointments*, Question, Mr. Holt; Answer, Lord George Hamilton July 23, [221] 551
- Finance of India—The Borrowing Powers*, Question, Sir Charles Mills; Answer, Lord George Hamilton April 23, [218] 985
- Government of India—Legislation*, Question, Mr. Fawcett; Answer, Lord George Hamilton July 9, [220] 1847
- H.M. Roman Catholic Servants*, Question, Mr. O'Reilly; Answer, Lord George Hamilton May 11, [219] 69
- India, Army Service in—The 81st Regiment*, Question, Mr. J. G. Talbot; Answer, Mr. Gathorne Hardy June 15, [219] 1583
- Indian (Hindus and Mahomedans) Appointments*, Question, Sir Patrick O'Brien; Answer, Lord George Hamilton June 15, [219] 1585 (Parl. P. 184)
- Indian Ordnance Corps—Compensation*, Question, Mr. Agg Gardner; Answer, Mr. Gathorne Hardy July 13, [220] 1522
- Indian Guaranteed Railways*, Question, Mr. Fawcett; Answer, Lord George Hamilton August 4, [221] 1260
- Kirwee Prize Money*, Question, Mr. Freshfield; Answer, Lord George Hamilton Mar 30, [218] 407; Question, Sir Seymour Fitzgerald; Answer, Lord George Hamilton June 29, [220] 605; Question, Mr. Evelyn Ashley; Answer, Lord George Hamilton July 27, [221] 758
- Madras Irrigation and Canal Company*, Question, Mr. Smollett; Answer, Lord George Hamilton May 8, [218] 1926; June 8, [219] 1161
- Mauritius—Island of Reunion—British Indian Coolies*, Question, Mr. Edward Jenkins; Answer, Mr. J. Lowther April 27, [218] 1180; Question, Mr. Edward Jenkins; Answer, Mr. Bourke June 22, [220] 226;—*The Magistracy*, Question, Captain Bedford Pim; Answer, Mr. J. Lowther June 30, 699
- Meteorological Department in India*, Observations, Mr. Egerton Hubbard; short debate thereon May 8, [218] 1987 (P. P. 185)
- Meteorological Observations*, Question, Mr. Egerton Hubbard; Answer, Lord George Hamilton July 31, [221] 1032
- Natural History Collections*, Question, Sir John Lubbock; Answer, Lord George Hamilton May 5, [218] 1673
- Pensions of Officers of the late East Indian Company*, Question, Colonel Jervis; Answer, Lord George Hamilton July 10, [220] 1473
- Registration of Births, Deaths, and Marriages*, Question, Colonel Makins; Answer, Lord George Hamilton April 23, [218] 988
- Religious Riots at Bombay*, Question, Mr. Dunbar; Answer, Lord George Hamilton May 12, [219] 174; Questions, Mr. Fortescue Harrison, Mr. Dunbar; Answers, Lord George Hamilton June 4, 983;—*The Papers*, Question, Mr. Dunbar; Answer, Lord George Hamilton July 1, [220] 792; August 4, [221] 1261 (Parl. P. 305)

[cont.

INDIA—cont.

*Straits Settlements, The*

*Singapore Emigration Act*, Question, Mr. Palmer; Answer, Mr. J. Lowther *Mar* 31, [218] 484

*The Malay Population*, Questions, General Sir George Balfour; Answer, Mr. J. Lowther *May* 4, [218] 1588

[See title *Malay Peninsula*]

*Telegraphic Correspondence*, Question, Mr. O'Donnell; Answer, Lord George Hamilton *April* 21, [218] 928

*The Amir of Kashgar*, Question, Sir Charles W. Dilke; Answer, Lord George Hamilton *May* 11, [219] 66; Observations, Sir Charles W. Dilke; Reply, Lord George Hamilton; short debate thereon *May* 15, 337

*The Treaty* . . . . . (Parl. P. 217)

*The Nawab Nazim of Bengal*, Observations, Mr. W. M. Torrens; Reply, Lord George Hamilton; debate thereon *June* 26, [220] 545

*Treaty with Siam*, Questions, General Sir George Balfour; Answers, Lord George Hamilton, Mr. Bourke *June* 30, [220] 697

*Uncovenanted Service*, Question, Mr. Goldney; Answer, Lord George Hamilton *July* 10, [220] 1475

*India—Bengal Famine*

Moved, "That an humble Address be presented to Her Majesty for, Copies of the Annual Report on the Revenue and Settlement Administration of Oude for the year ending 30th September 1872: Copy of the Despatch from the Secretary of State in Council relative to that Report, dated February 1874: Copy of the Report for the same Province for the year ending 30th September 1873" (*The Duke of Argyll*) *April* 24, [218] 1063; after short debate, Motion agreed to

*India (Drought in Bengal)—Abstract of Despatches*

Abstract of Correspondence between the Government of India and the Secretary of State in Council relative to the Drought in Bengal presented (by command) (*The Marquess of Salisbury*) *Mar* 20, [218] 92

Parl. Papers—

Drought in Bengal . . . . . [933]

Bengal Famine . . . . . [984 to 955-IV.]

*India (Drought in Bengal)—Selection of Despatches*

218] Question, Mr. Onslow; Answer, Lord George Hamilton *Mar* 20, 109; Question, Mr. Gourley; Answer, Lord George Hamilton *Mar* 23, 229; Question, Mr. O'Donnell; Answer, Lord George Hamilton *Mar* 31, 483; *April* 17, 711

Moved, "That in the case of Abstracts and Summaries, such as the 'Abstract of Correspondence between the Government of India and the Secretary of State in Council relative to the Drought in Bengal,' recently presented to Parliament without any guarantee as to the selection or editing of the contents, the name of the selector or editor shall be appended for the information of Parliament"

(Mr. O'Donnell) *April* 21, 933

*India (Drought in Bengal)—Selection of Despatches—cont.*

Amend. proposed, in line 2, to leave out "such as the 'Abstract'" (Lord George Hamilton); after short debate, Question, "That the words, &c.,," put, and negatived; main Question, as amended, put, and negatived

*India—East India [Annuity Funds]*

Considered in Committee (Queen's Recommendation signified) *Mar* 21, [218] 209

Moved, "That it is expedient to make provision for the transfer of Assets and Liabilities of the Bengal and Madras Civil Service Annuity Funds, and the Annuity Branch of the Bombay Civil Fund, to the Secretary of State for India in Council" (Lord George Hamilton); Resolution agreed to

[See title *East India Annuity Funds Bill*]

*India—East India Finance—Appointment of a Select Committee*

Questions, Mr. T. E. Smith, Mr. W. M. Torrens; Answers, Lord George Hamilton *Mar* 26, [218] 337

Select Committee appointed, "to inquire into charges payable in this Country for which the Revenues of India are liable" *April* 20

Committee nominated as follows:—Mr. Stephen Cave (Chairman), Sir George Balfour, Sir Thomas Bazley, Mr. Birley, Mr. Beckett Denison, Mr. Grant Duff, Sir James Elphinstone, Sir Seymour Fitzgerald, Lord Edmond Fitzmaurice, Lord George Hamilton, Sir Henry Havelock, Mr. Sampson Lloyd, Mr. Massey, Mr. Onslow, Mr. Eustace Smith, Mr. Stanley

Moved, "That the Select Committee do consist of Nineteen Members" (Lord George Hamilton) *April* 30, 1490

Amend. to leave out "Nineteen," and insert "Twenty-one" (*Mr. Downing*) v.; after short debate, Question, "That the word 'Nineteen,' &c.," negatived

'Twenty-one' inserted, instead thereof; main Question, as amended, agreed to; Members added as follows:—Mr. Balfour, Mr. Campbell-Bannerman, Mr. Dalrymple, Mr. Dunbar, Mr. Fawcett

Report of Select Comm. (Parl. P. No. 329)

Parl. Papers—

Report . . . . .	329
Observations on Finance . . . . .	326
Home Accounts . . . . .	168
Finance and Revenue Accounts . . . . .	169

*India—East India Loan*

Considered in Committee *Mar* 20, [218] 174

Moved to resolve, "That it is expedient to enable the Secretary of State in Council of India to raise a sum, not exceeding £10,000,000, in the United Kingdom, for the service of the Government of India, on the credit of the revenues of India" (Lord George Hamilton); after short debate, Motion agreed to

Loans raised in England . . . . . (P. P. 40-92)

Loans raised in India . . . . . 41-283

[See title *East India Loan Bill*]

**India—East India Revenue Accounts**

Considered in Committee August 3, [221] 1177  
 Moved, "That it appears by the Accounts laid before this House that the total Revenue of India for the year ending the 31st day of March 1873 was £50,219,489; the charges in India, including the collection of the Revenue, Interest on Debt, and Public Works ordinary, were £38,205,212; the charges in England (including £1,146,116, the value of Stores supplied to India) were £8,138,104; the Guaranteed Interest on the Capital of Railway and other Companies in India and in England, deducting net Traffic Receipts, was £2,110,501, making a total charge for the same year of £48,453,817; and there was an excess of Income over Expenditure in that year amounting to £1,765,672; that the charge for Public Works extraordinary was £2,184,569, and that including that charge the excess of Expenditure over Income was £418,897" (*Lord George Hamilton*); after long debate, Question put, and agreed to

**India Councils Bill [H.L.]**

(*The Marquess of Salisbury*)

- l. Presented; read 1<sup>st</sup> May 22 (No. 79)  
 Read 2<sup>nd</sup> June 1
- 219] Committee; Report June 9, 1259  
 . Read 3<sup>rd</sup>, after short debate June 15, 1576
- c. Read 1<sup>st</sup> (*Lord George Hamilton*) June 18  
 [Bill 154]
- 220] l. Personal Explanation, The Marquess of Salisbury; short debate thereon June 23, 293
- 221] c. Moved, "That the Bill be now read 2<sup>nd</sup>"  
 July 29, 918  
 Amendt. to leave out from "That" and add  
 "in the opinion of this House, it would be  
 inexpedient to proceed with this Bill until  
 the opinion of the Governor General of India  
 in reference to it has been ascertained and  
 laid upon the Table of the House" (*Mr.*  
*Fawcett*) v.; Question proposed, "That the  
 words, &c.;" after debate, Question put;  
 A. 171, N. 52; M. 119  
 Main Question put, and agreed to; Bill read 2<sup>nd</sup>  
 . Question, *Mr. Fawcett*; Answer, *Sir Seymour*  
*Fitzgerald* July 30, 976
- . Committee; Report, after short debate August 3,  
 1218  
 Considered\*; read 3<sup>rd</sup> August 4
- l. Royal Assent August 7 [37 & 38 Vict. c. 91]

**India Councils [Salary]**

Considered in Committee July 30, [221] 1027  
 Resolved, That it is expedient to authorise  
 the payment, out of the Revenues of India,  
 of the Salary of any additional Member of the  
 Council of the Governor General of India,  
 that may be appointed in pursuance of any  
 Act of the present Session for amending the  
 Law relating to the Council of the Governor  
 General of India

Resolution reported July 31

**Industrial and Reformatory Schools Bill**

(*Mr. Secretary Cross, Sir Henry Selwin-  
 Ibbetson*)

- c. Ordered; read 1<sup>st</sup> July 3 [Bill 193]
- Read 2<sup>nd</sup> July 7
- Committee\*; Report July 10
- Considered\* July 13
- Read 3<sup>rd</sup> July 14
- l. Read 1<sup>st</sup> (*The Lord Steward*) July 16
- Read 2<sup>nd</sup> July 21 (No. 180)
- Committee\*; Report July 23
- Read 3<sup>rd</sup> July 24
- Royal Assent July 30 [37 & 38 Vict. c. 47]

**Industrial School, Feltham — Duke of  
 York's School**

Question, *Sir Charles W. Dilke*; Answer, *Mr.*  
*Gathorne Hardy* June 18, [220] 71; Question,  
*Sir Charles W. Dilke*; Answer, *Mr. Stephen*  
*Cave* June 22, 224

**Infanticide Bill**

(*Mr. Charley, Mr. Gilpin, Mr. Holker,  
 Mr. Edward Davenport*)

- c. Ordered; read 1<sup>st</sup> Mar 20 [Bill 25]
- Read 2<sup>nd</sup>, after short debate April 13, [218] 539
- Order for Committee read, and discharged:—  
 Bill committed to the Select Committee on  
 Homicide Law Amendment Bill
- Bill reported\* July 9 [Bill 200]
- Re-comm\*; Report July 14
- Considered\* July 16
- Read 3<sup>rd</sup> July 17
- l. Read 1<sup>st</sup> (*Lord Colchester*) July 20 (No. 184)
- Read 2<sup>nd</sup>, after short debate July 23, [221] 542
- Moved, "That the House be now put into  
 Committee" July 28, 846
- Amendt. to leave out ("now") and add ("this  
 day three months") (*The Chairman of Com-  
 mittees*); after short debate, on Question,  
 That ("now,") &c.? resolved in the nega-  
 tive; and House to be in Committee on  
 this day three months

**Infants Contracts Bill [H.L.]**

(*The Lord Brodrick*)

- l. Presented; read 1<sup>st</sup> June 1 (No. 80)
- Read 2<sup>nd</sup>, after short debate June 9, [219] 1225
- Committee; Report June 15, 1668
- Read 3<sup>rd</sup> June 18
- Commons Amendts. (No. 194)
- c. Read 1<sup>st</sup> (*Sir Henry James*) June 22 [Bill 164]
- Read 2<sup>nd</sup> June 24
- Committee\*—a.p. July 8
- Committee\*; Report July 20
- Considered\*; read 3<sup>rd</sup> July 22
- l. Royal Assent August 7 [37 & 38 Vict. c. 62]

**Innkeepers Liability Bill**

(*Mr. Wheelhouse, Mr. Locke, Colonel Makins*)

- c. Ordered; read 1<sup>st</sup> Mar 26 [Bill 50]
- Moved, "That the Bill be now read 2<sup>nd</sup>"  
 May 13, [219] 264
- Amendt. to leave out "now," and add "upon  
 this day six months" (*Sir Francis Goldsmid*);  
 Question proposed, "That 'now,' &c.;"  
 after short debate, Debate adjourned
- Bill withdrawn\* July 20

**Inns of Court Bill [H.L.]***(The Lord Selborne)*

1. Presented; read 1<sup>st</sup>, after short debate July 10,  
[220] 1457 (No. 169)

**International Copyright Bill***(Mr. Bourke, Mr. Attorney General, Sir Charles Adderley)*

- c. Ordered; read 1<sup>st</sup> July 8 [Bill 197]  
Read 2<sup>nd</sup> July 9  
Committee<sup>e</sup>; Report July 16  
Read 3<sup>rd</sup> July 17  
1. Read 1<sup>st</sup> July 20 (No. 185)

**INTOXICATING LIQUORS BILL****MISCELLANEOUS QUESTIONS**

- 218] Question, Sir Wilfrid Lawson; Answer, Mr. Assheton Cross Mar 31, 486; April 17, 717; Question, Mr. Montagu Scott; Answer, Mr. Assheton Cross April 30, 1410; Question, Mr. Cogan; Answer, Sir Michael Hicks-Beach May 7, 1836; Question, Mr. Brodgen; Answer, Sir Henry Selwin Ibbetson May 7, 1841; Question, Mr. Sullivan; Answer, Sir Michael Hicks-Beach May 8, 1927  
*Adulteration of Liquors*, Question, Mr. J. G. Talbot; Answer, Mr. Assheton Cross April 24, [218] 1098  
*Closing of Licensed Houses*, Question, Mr. Melly; Answer, Mr. Assheton Cross May 19, [219] 481  
*Licensing Act, 1872*—See that title  
*Licensing Act—The Crystal Palace*, Question, Sir Wilfrid Lawson; Answer, Mr. Assheton Cross May 4, [218] 1680  
*Public-house Hours on Sunday*, Question, Mr. Laird; Answer, Sir Henry Selwin Ibbetson May 14, [219] 273  
*Special Licences*, Question, Sir John Kennaway; Answer, Mr. Assheton Cross June 2, [219] 853  
Parl. Papers—  
Reports from Borough Authorities . . . 160  
Return of Offences, 1872 . . . 335  
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**Intoxicating Liquors Bill***(Mr. Raikes, Mr. Secretary Cross, Sir Henry Selwin Ibbetson, Mr. Chancellor of the Exchequer)*

- 218] c. Acts read; considered in Committee; after debate, a Resolution agreed to, and reported; Bill ordered; read 1<sup>st</sup> April 27, 1226 [Bill 83]  
219] Moved, "That the Bill be now read 2<sup>nd</sup>" May 11, 75  
Amendt. to leave out from "That," and add "in the opinion of this House, no measure for the regulation of the sale of Intoxicating Liquors will be satisfactory which affords increased facilities for drinking, and which deals unequally and unfairly with a considerable branch of the liquor trade" (Mr. Melly), v.; Question proposed, "That the words,

[cont.

**Intoxicating Liquors Bill—cont.**

- &c.;" after long debate, Moved, "That the debate be now adjourned" (Mr. Sullivan); Question put, and negatived  
Question again proposed, "That the words, &c.;" Amendt. withdrawn  
Main Question put, and agreed to; Bill read 2<sup>nd</sup>  
Moved, "That this House will, upon Monday next, resolve itself into the said Committee;" after further debate, Amendt. to leave out "Monday next," and insert "Thursday the fourth day of June next" (Mr. Rathbone), v.; Question proposed, "That Monday next, &c.;" Amendt. and Motion withdrawn  
219] *Postponement of Committee*, Observations, Mr. Assheton Cross May 12, 173  
Order for Committee read; Moved, "That Mr. Speaker do now leave the Chair" June 4, 986; after debate, Motion agreed to; Committee—R.P.  
Committee—R.P. June 5, 1063  
Committee; Report June 8, 1168 [Bill 139]  
Considered June 16, 1677; after long debate, Moved, "That the Debate be now adjourned" (Mr. Goldsmid); Motion agreed to; debate adjourned  
220] Considered June 18, 77; after debate, Moved, "That the debate be now adjourned" (Mr. Leeman); after further short debate, Question put; A. 134, N. 251; M. 117  
Moved, "That this House do now adjourn" (Mr. Bristowe); after short debate, Question put; A. 131, N. 244; M. 113  
Moved, "That the House, at its rising, do adjourn till To-morrow at Two o'clock" (Mr. Disraeli); after short debate, Motion agreed to  
Debate resumed June 19, 170 [Bill 160]  
Moved, "That the Bill be now read 3<sup>rd</sup>" June 22, 229  
Amendt. to leave out "now," and add "upon this day three months" (Sir Wilfrid Lawson); Question proposed, "That 'now,' &c.;" after debate, Question put; A. 328, N. 39; M. 289  
Main Question put, and agreed to; Bill read 3<sup>rd</sup>  
Lords Amendts. (No. 216)  
1. Read 1<sup>st</sup> (The Lord Steward) June 23 (No. 130)  
Read 2<sup>nd</sup>, after long debate June 30, 675 (No. 160)  
Committee July 7, 1186  
Report July 14, 1611 (No. 176)  
221] Read 3<sup>rd</sup> July 17, 200  
Royal Assent July 30 [37 & 38 Vict. c. 49]

**Intoxicating Liquors (Ireland) Bill***(Mr. Sullivan, Mr. Dease)*

- c. Considered in Committee; Resolution agreed to, and reported; Bill ordered; read 1<sup>st</sup> Mar 23 [Bill 32]  
2R. [Dropped]

**Intoxicating Liquors (Ireland) (No. 2) Bill**  
*(Sir Michael Hicks-Beach, Mr. Attorney General for Ireland)*

- 219] c. Considered in Committee May 15, 367; Bill ordered; read 1<sup>st</sup> [Bill 114]  
Read 2<sup>nd</sup> June 4

[cont.]

*Intoxicating Liquors (Ireland) (No. 2) Bill—cont.*

220] Committee *June* 19, 210

Moved, "That the Chairman do report Progress" (*Mr. Sullivan*); Question put, and agreed to; Committee—*R.F.*

. Committee—*R.F. June* 23, 339

. Committee—*R.F. July* 3, 997

. Committee *July* 3, 1052

Moved, "That the Chairman report Progress" (*Mr. Richard Smyth*); after short debate, Motion withdrawn; Bill reported [Bill 191]

Considered \* *July* 9

. Read 3<sup>d</sup>, after short debate *July* 13, 1605

l. Read 1<sup>st</sup> \* (*The Lord President*) *July* 14

221] Read 2<sup>d</sup> *July* 21, 383 (No. 174)

Committee \* *July* 23

Report \* *July* 27

Read 3<sup>d</sup> \* *July* 28

Royal Assent *August* 7 [37 & 38 *Vict. c. 69*]

IRELAND

MISCELLANEOUS QUESTIONS

*Board of National Education—Constitution of the Commission*, Question, *Mr. Sullivan*; Answer, *Sir Michael Hicks-Beach June* 8, [219] 1161; *June* 15, 1588

*Board of National Education—Limerick Model School*, Question, *Mr. Verner*; Answer, *Sir Michael Hicks-Beach July* 6, [220] 1085;—*Return of Emoluments of Teachers*, Question, *Captain Nolan*; Answer, *Sir Michael Hicks-Beach July* 7, 1225

[See title *Ireland—Board of National Education*]

*Board of Works—Loans under the Land Act*, Question, *Mr. C. E. Lewis*; Answer, *Sir Michael Hicks-Beach June* 22, [220] 227

*Carlou—Quartering of Troops*, Question, *Mr. Owen Lewis*; Answer, *Mr. Gathorne Hardy June* 8, [219] 1163

*Case of Arthur Donnelly*, Question, *Mr. Verner*; Answer, *The Attorney General for Ireland May* 11, [219] 173

*Chancery Courts—The Accountant General's Office*, Question, *Mr. O'Neill*; Answer, *The Attorney General for Ireland June* 18, [220] 75

*Civil Actions—Actions for Libel*, Question, *Mr. M'Carthy Downing*; Answer, *The Attorney General for Ireland May* 18, [219] 391

*Civil Bill (Ireland) Act—Stamp Duties*, Question, *Mr. O'Connor Power*; Answer, *The Attorney General for Ireland July* 9, [220] 1347

"*Coercive Legislation*," Questions, *Lord Robert Montagu*, *Mr. Newdegate*; Answers, *Mr. Disraeli*, *Mr. Speaker April* 11, [218] 543

*College of Physicians—Supplemental Charter*, Question, *Mr. Dunbar*; Answer, *Sir Michael Hicks-Beach June* 4, [219] 965; *June* 19, [220] 159

*Concordatum Fund, The*, Question, *Mr. Errington*; Answer, *Sir Michael Hicks-Beach August* 3, [221] 1145

*Condition of the River Liffey*, Question, *Mr. Serjeant Sherlock*; Answer, *Sir Michael Hicks-Beach June* 22, [220] 225

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IRELAND—cont.

*Constabulary Force—Drill and Instruction—Inspector General*, Question, *Major O'Gorman*; Answer, *Sir Michael Hicks-Beach May* 11, [219] 71

*Constabulary Force—County of Wicklow*, Question, *Mr. Cogan*; Answer, *Sir Michael Hicks-Beach June* 19, [220] 157;—*Pay of the*, Question, *Mr. Collins*; Answer, *Sir Michael Hicks-Beach July* 6, 1085

*Contagious Diseases (Animals) Act—Application to Ireland*, Question, *Sir Robert Buxton*; Answer, *Sir Michael Hicks-Beach April* 16, [218] 626; Questions, Observations, *Lord Emily*; Reply, *The Duke of Richmond July* 17, [221] 197

*Convict Prisons*, Observations, *Mr. Sullivan*; Reply, *Sir Michael Hicks-Beach*; short debate thereon *June* 12, [219] 1562

*County Louth and Dundalk Borough Elections—"Callan v. Dease"*, Question, *Mr. Sackville*; Answer, *The Attorney General for Ireland July* 8, [220] 1351

*County Lunatic Asylums—Grants in Aid*, Question, *Mr. W. Johnston*; Answer, *The Chancellor of the Exchequer May* 11, [219] 71

*Crown Solicitor for Tyrone—Memorial of Mr. M'Crea*, Question, *Mr. O'Connor Power*; Answer, *The Attorney General for Ireland July* 9, [220] 1347

*Denominational Education—Legislation*, Question, *Mr. O'Callaghan*; Answer, *Sir Michael Hicks-Beach April* 21, [218] 923

*Derry Celebrations—Costs of Colonel Hillier*, Question, *Major O'Gorman*; Answer, *Sir Michael Hicks-Beach May* 18, [219] 392; *June* 19, [220] 156;—*Costs and Damages against Government Officials, &c.*, Questions, *Mr. Butt*; Answer, *Sir Michael Hicks-Beach May* 14, [219] 270

[See title *Ireland—Derry Celebrations*]

*Destitution in Achil*, Question, *Mr. Serjeant Sherlock*; Answer, *Sir Michael Hicks-Beach July* 16, [221] 122

*Discharged Lunatics—Cases of George and Owen Doherty*, Question, *Mr. Errington*; Answer, *Sir Michael Hicks-Beach July* 31, [221] 1029

*Disturbance at Coal-Island, Tyrone*, Question, *Mr. W. Johnston*; Answer, *Sir Michael Hicks-Beach Mar* 26, [218] 336

*Drainage of the Rivers Suick and Shannon—Legislation*, Question, *Mr. Serjeant Sherlock*; Answer, *Sir Michael Hicks-Beach Mar* 23, [218] 228; Question, *Mr. W. O. Gore*; Answer, *Sir Michael Hicks-Beach May* 11, [219] 72; Question, *Captain Nolan*; Answer, *Sir Michael Hicks-Beach June* 23, [220] 300

*Dublin Metropolitan Police Magistrates*, Question, *Mr. Serjeant Sherlock*; Answer, *Sir Michael Hicks-Beach June* 25, [220] 425

*Dublin University*, Question, *The O'Donoghue*; Answer, *Sir Michael Hicks-Beach July* 27, [221] 761;—*Annual Balance Sheets and Audit*, Question, *Mr. Errington*; Answer, *Sir Michael Hicks-Beach June* 1, [219] 751

[See title *Ireland—Dublin University*]

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- Trinity College, Dublin*, Question, Mr. Butt ; Answer, Mr. Asheton Cross April 23, [218] 985 ;—*The Queen's Letter*, Question, Mr. Mitchell Henry ; Answer, Sir Michael Hicks-Beach July 9, [220] 1348 (See title post)
- Dunmore Harbour*, Question, Mr. Kavanagh ; Answer, Sir Michael Hicks-Beach Mar 31, [218] 481
- Dwellings for the Working Classes—Loans by the Board of Works*, Question, Mr. Ronayne ; Answer, Sir Michael Hicks-Beach June 26, [220] 509 ;—*Labourers' Dwellings—Legislation*, Question, Mr. P. J. Smyth ; Answer, Sir Michael Hicks-Beach Mar 24, [218] 267 ; Question, Mr. Bruen ; Answer, Sir Michael Hicks-Beach May 15, [219] 30
- Excise—Corn Stores, &c.*, Question, Mr. Callan ; Answer, Mr. W. H. Smith August 6, [221] 1410
- Fisheries Department—Gunboat*, Question, Mr. O'Clery ; Answer, Sir Michael Hicks-Beach August 3, [221] 1148
- Fisheries—Legislation*, Question, Mr. Butt ; Answer, The Chancellor of the Exchequer May 21, [219] 619
- Fisheries Report, 1873*, Question, Mr. O'Clery ; Answer, Sir Michael Hicks-Beach June 2, [219] 852
- Foreshores—Returns*, Question, Mr. Callan ; Answer, Sir Charles Adderley, Mr. W. H. Smith May 21, [219] 620
- Franchise, The—Legislation*, Question, Mr. Meldon ; Answer, Sir Michael Hicks-Beach April 17, [218] 716
- Grand Jury System, The—Legislation*, Question, Mr. Errington ; Answer, Sir Michael Hicks-Beach April 20, [218] 813
- Inland Revenue—Mixing Spirits*, Question, Mr. O'Sullivan ; Answer, The Chancellor of the Exchequer June 9, [219] 1268
- Irish Church Representative Body*, Question, Mr. E. Jenkins ; Answer, Mr. Disraeli May 21, [219] 614
- Irish Church Temporalities Commission—Irish Church Act—The Surplus*, Question, Mr. E. Davenport ; Answer, Mr. Disraeli April 27, [218] 1174 ;—*The Church Funds*, Question, The Earl of Belmore ; Answer, The Duke of Richmond ; debate thereon May 21, [219] 601 ;—*Audit of Accounts*, Questions, Mr. Edward Jenkins ; Answer, Mr. Disraeli July 24, [221] 619 ; Explanation, The Chancellor of the Exchequer July 28, 856 (See titles post)
- Irish Fines Fund*, Question, Mr. Redmond ; Answer, Sir Michael Hicks-Beach July 7, [220] 1225 ; August 3, [221] 1150
- Irish Land Act, 1870—Salaries to Clerks of the Peace*, Question, Mr. Vance ; Answer, Mr. W. H. Smith July 9, [220] 1353 ;—*Board of Public Works—Advances to Tenants*, Question, Mr. Chaine ; Answer, Mr. W. H. Smith August 5, [221] 1330
- Irish Land Act, 1870—Legislation*, Question, Mr. Dillwyn ; Answer, The O'Donoghue May 21, [219] 620

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- Kilmainham Hospital—Outbreak of Fever*, Question, Sir John Gray ; Answer, Sir Michael Hicks-Beach August 6, [221] 1406 ; Question, Sir John Gray ; Answer, Mr. Gathorne Hardy August 7, 1421
- Licensing Act (1872)*, Question, Mr. Moore ; Answer, Sir Michael Hicks-Beach June 1, [219] 751
- Lunatic Asylums*, Question, Mr. Synan ; Answer, Sir Michael Hicks-Beach August 6, [221] 1408
- Married Women's Property Act, 1870—Legislation*, Question, Mr. Meldon ; Answer, Sir Michael Hicks-Beach April 17, [218] 716
- Magistracy, The Irish*  
*Mr. Jackson, J.P.*, Question, Mr. O'Reilly ; Answer, Sir Michael Hicks-Beach June 12, [219] 1497
- Riot at Kilrea, County Derry*, Question, Mr. Biggar ; Answer, Sir Michael Hicks-Beach June 19, [220] 154 ; Question, Mr. McCarthy Downing ; Answer, Sir Michael Hicks-Beach August 6, [221] 1409 (See title post)
- The Lords Lieutenant*, Question, Observations, Lord Carlingford ; Reply, The Duke of Richmond ; short debate thereon July 27, [221] 746 ; Observations, The O'Donoghue August 6, 1412
- The Magistracy of Tipperary*, Question, Viscount Lismore ; Answer, The Duke of Richmond May 21, [219] 612 ; Question, Mr. Moore ; Answer, Sir Michael Hicks-Beach June 25, [220] 421
- Salaries of Resident Magistrates*, Question, Mr. Moore ; Answer, Sir Michael Hicks-Beach May 19, [219] 482 ; Question, Mr. Sheil ; Answer, Sir Michael Hicks-Beach June 5, 1067
- National School at Altanagh*, Question, Mr. Sullivan ; Answer, Sir Michael Hicks-Beach July 27, [221] 757
- National School Teachers*, Question, Mr. Ronayne ; Answer, Sir Michael Hicks-Beach July 31, [221] 1033 (See title post)
- Orange Demonstrations*, Question, Mr. Mitchell Henry ; Answer, Sir Michael Hicks-Beach July 16, [221] 127
- Orange Procession—Case of James Mallon*, Questions, Mr. McCarthy Downing, Mr. Vance ; Answers, Sir Michael Hicks-Beach July 27, [221] 760
- Oyster Beds off Wexford and Wicklow*, Question, Mr. O'Clery ; Answer, Sir Michael Hicks-Beach August 3, [221] 1149
- Peace Preservation (Ireland) Acts*  
 Question, Captain Nolan ; Answer, Sir Michael Hicks-Beach Mar 30, [218] 411 ; Question, Mr. Biggar ; Answer, Sir Michael Hicks-Beach July 16, [221] 124
- Extra Police Force, Wexford*, Question, Mr. Redmond ; Answer, Sir Michael Hicks-Beach July 30, [221] 967
- Police Force in Tipperary*, Question, Sir John Gray ; Answer, Sir Michael Hicks-Beach August 7, [221] 1423
- Search Warrants for Arms*, Question, Mr. Butt ; Answer, Sir Michael Hicks-Beach July 30, [221] 965

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**IRELAND—Peace Preservation (Ireland) Act—cont.**

"*The Flag of Ireland*" Newspaper, Observations, Mr. Owen Lewis; Reply, Sir Michael Hicks-Beach; debate thereon *May 1*, [218] 1549 Returns—(*Parl. P. Nos. 91-231*)  
(See title post)

*Phoenix Park Riots—Expenses of Legal Proceedings*, Question, Mr. O'Shaughnessy; Answer, Mr. W. H. Smith *May 22*, [219] 700

**Poor Law**

*Amalgamation of Unions*, Question, Captain Nolan; Answer, Sir Michael Hicks-Beach *April 27*, [218] 1177

*Clerks of Unions*, Question, Mr. McCarthy Downing; Answer, Sir Michael Hicks-Beach *May 15*, [219] 810

*Poor Law Guardians*, Question, Mr. O'Reilly; Answer, Sir Michael Hicks-Beach *June 5*, [219] 1056

*Poor Rate Collectors*, Question, Mr. Synan; Answer, Sir Michael Hicks-Beach *June 23*, [220] 299

*Union Boundaries in Ireland*, Question, Mr. Moore; Answer, Sir Michael Hicks-Beach *June 18*, [220] 76

*Union Rating—Legislation*, Question, Mr. G. Browne; Answer, Sir Michael Hicks-Beach *Mar 25*, [218] 290

**Post Office**

*Money Order Offices*, Question, Mr. G. Browne; Answer, Lord John Manners *Mar 30*, [218] 406

*Postal Facilities in Mayo*, Observations, Question, Mr. Tighe; Answer, Lord John Manners; short debate thereon *April 24*, [218] 1129

**Preservation of Irish Antiquities**

*Gaelic Manuscripts*, Question, Mr. Sullivan; Answer, Sir Michael Hicks-Beach *July 30*, [221] 976

*Irish Church Act—National Monuments—Ecclesiastical Buildings*, Question, Mr. Mitchell Henry; Answer, Sir Michael Hicks-Beach *May 4*, [218] 1591; *August 4*, [221] 1257; Question, Observations, Lord Carlingford; Reply, Earl Beauchamp *August 6*, 1395

*Parochial Records*, Question, The Earl of Belmore; Answer, The Lord Chancellor *July 28*, [221] 850

*Public Houses in Dublin*, Question, Mr. O'Connor Power; Answer, Sir Michael Hicks-Beach *June 22*, [220] 221

*Public Works Loan Commissioners—Loans to Local Authorities*, Question, Mr. Power; Answer, The Chancellor of the Exchequer *April 17*, [218] 713

*Railways—Guarantees from County Rates*, Observations, Lord Carlingford; Reply, The Duke of Richmond; debate thereon *April 30*, [218] 1393 (See title post)

*Royal Residence in Ireland*, Question, Sir Eardley Wilmot; Answer, Mr. Disraeli *July 24*, [221] 625

*Science and Art Department*, Question, Sir Arthur Guinness; Answer, Sir Michael Hicks-Beach *June 11*, [219] 1406

*Education—Legislation*, Question, Sir Michael Hicks-

**IRELAND—cont.**

*Vaccination, Question, Mr. Malden; Answer, Sir Michael Hicks-Beach July 6*, [220] 1083  
*Valuation Acts, Question, Captain Nolan; Answer, Mr. W. H. Smith June 11*, [219] 1406

**Ireland—Acquisition of Railways**

Moved, "That it is expedient that measures should be taken to obtain possession of the Irish Railways and place them under Government management" (*Mr. Blennerhassett*) *April 28*, [218] 1263

Amendt. proposed, to leave out from "That," and add "the purchase of the Irish Railways by the State would be financially inexpedient, would unduly enlarge the patronage of the Government, and seriously increase the pressure of business in Parliament" (*Mr. Goldsmid*) v.; Question proposed, "That the words, &c.;" after long debate, Question put; A. 56, N. 241; M. 185; Motion amended; main Question, as amended, put; A. 235, N. 59; M. 176

Division List, Ayes and Noes, 1333

**Ireland—Board of National Education—Schoolmasters and Schoolmistresses**

Moved that there be laid before this House, Return showing the number of schoolmasters and schoolmistresses employed under the Privy Council in England and Scotland, and under the National Board in Ireland, who have been trained for two years in a normal school, and the proportion the teachers so trained bear to the whole number employed in each country (*The Lord Emsly July 3*, [220] 970; after short debate, Motion agreed to

**Ireland—Derry Celebrations—Costs of Colonel Hillier**

Moved, "That there be laid before this House, a Return of all sums paid out of public moneys on account of damages or costs recovered, since the 1st day of January 1870, in any action against Colonel Hillier, the Deputy Inspector General of the Royal Irish Constabulary; specifying in each case the name of the Plaintiff and Defendant, the amount paid for damages and costs, and the fund out of which the amount was paid" (*Mr. Butt Mar 31*, [218] 488; after a debate, Question put, and negatived

**Ireland—Dublin University**

Moved, "That, having regard to the importance of the changes in the constitution of the University, and the period at which that of the proposed Queen's Letter has been upon the Table of this House, it is desired that, before they are finally sanctioned, fuller opportunity should be afforded consideration than is possible during sent Session" (*Mr. Butt August 1325*; after short debate, Moved, "debate be now adjourned" (*Mr. Motion agreed to*; debate adjourned; Adjourned debate resumed *August* after short debate, Question put N. 102; M. 84



*Ireland—Fenian Prisoners*

Moved, "That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to give directions that there be laid before this House, Returns of the names of the persons who died, or became insane, or permanently disabled at any time during the last ten years whilst suffering imprisonment under warrants issued by the Lords Lieutenant of Ireland by virtue of the powers conferred on them by the Habeas Corpus Suspension (Ireland) Acts and the Peace Preservation (Ireland) Acts: of the names of any persons who, within the same period, died, or became insane, or permanently disabled whilst suffering imprisonment on account of their conviction, either as principals or accessories, of the murder of Serjeant Brett at Manchester: of the names of any persons who, within the same period, died, or became insane, or permanently disabled whilst suffering imprisonment under convictions for treason-felony: and, of the names of any persons who, within the same period, died, or became insane, or permanently disabled whilst suffering imprisonment under sentences of Courts Martial in Ireland for offences against the Articles of War appearing to be connected with their complicity with the Fenian conspiracy" (*Mr. O'Connor Power*) July 13, [220] 1609; after short debate, Question put; A. 21, N. 92; M. 71

*Ireland—Intermediate Education*

Moved, "That the present state of intermediate education in Ireland is unsatisfactory, and requires the immediate and serious consideration of Her Majesty's Government" (*Mr. O'Shaughnessy*) June 9, [219] 1271; after short debate, Motion withdrawn

*Ireland—Irish Fisheries*

Amendt. on Committee of Supply May 1, To leave out from "That," and add "the decay of the Irish Sea Coast Fisheries imperatively calls for the immediate attention of Her Majesty's Government, and demands the application of the remedies recommended by the Reports of Royal Commissions and of Select Committees, and that this House pledges itself to support any well-considered measure that may be introduced on the subject, and conformeth to such recommendations" (*Mr. Synan*) v., [218] 1498; after debate, Question put, "That the words, &c.;" A. 93, N. 95; M. 2; words added; main Question, as amended, put, and agreed to Division List, Ayes and Noes, 1529

*Ireland—Irish Judicial Bench—Appointment of the Judges*

Amendt. on Committee of Supply June 25, To leave out from "That," and add "an humble Address be presented to Her Majesty, representing that, in the opinion of this House, it would be for the advantage of the administration of justice if the Irish Judges were appointed, to the same extent as they are in England, upon the recommendation of the Lord Chancellor, and without reference to

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*Ireland—Irish Judicial Bench—Appointment of the Judges—cont.*

official or political claims" (*Mr. Butt*) v., [220] 429; Question proposed, "That the words, &c.;" after short debate, Question put; A. 271, N. 62; M. 209

*Ireland—Jury System, The*

Select Committee appointed, "to inquire and report on the working of the Irish Jury system before and since the passing of the Act 34 & 35 Vic. c. 65; and whether any and what amendments are necessary to secure the due administration of justice" (*Mr. Bruen*) Mar 24, [218] 288

And, on April 20, Committee nominated as follows:—Sir Michael Hicks-Beach (Chairman), Dr. Ball, Mr. Bruen, Viscount Crichton, Mr. Downing, Marquess of Hartington, Mr. Henry Herbert, Mr. Law, Mr. Lopes, Mr. Mulholland, The O'Donoghue, Mr. O'Reilly, Mr. Plunket, and Mr. Verner; April 22, The O'Connor Don, Sir Arthur Guinness added; May 7, Mr. Synan disch., Sir Colman O'Loughlin added

Report of Select Committee June 28

(*Parl. P. No. 244*)

*Ireland—Juries*

Moved, "That, in the opinion of this House, the ordering to 'stand by of Catholic jurors the Crown Solicitor, more especially in the North of Ireland, and in cases of a party character, is a course of proceeding not calculated to enhance confidence in the impartial administration of the Law, and demands the serious attention of the Irish Executive'" (*Mr. Callan*) August 6, [221] 1413 [The Motion not being seconded was not put]

*Ireland—Kilrea Riots, The*

Moved, "That this House is of opinion that an investigation into the conduct of the Magistrates referred to by the learned Judge is necessary in the interests of impartial justice, of peace, and good order in Ireland" (*Mr. McCarthy Downing*) August 6, [221] 1413; after short debate, Motion withdrawn

*Ireland—National School Teachers*

Moved, "That, in the opinion of this House, the present condition of the National School Teachers of Ireland, and the discontent which prevails amongst that important body of public servants, call for the early attention of Her Majesty's Government, with a view to a satisfactory adjustment of their claims" (*Mr. Meldon*) June 9, [219] 1282

Amendt. proposed, to add, at end of Question, "by means of increased allowances from local sources" (*Mr. McLaren*); Question proposed, "That those words be there added;" after debate, Amendt. and Motion withdrawn

*Ireland—Peace Preservation Act—Case of Patrick Casey*

Moved, "That there be laid before this House, Copies of all Affidavits used on a Motion in the Queen's Bench in Ireland, made during

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*Ireland—Peace Preservation Act—Case of Patrick Casey—cont.*

last Term, for a writ of habeas corpus, in the case of Patrick Casey: of the Ruling of the Court upon such Motion: of the Warrant of the Lord Lieutenant originally issued for his arrest: of all subsequent Warrants, if any, transferring or changing his custody: and, of all sworn information, if any, on which the original warrant of his arrest was issued" (*Mr. Butt*) May 12, [219] 190; after short debate, Motion withdrawn

Then—Copies ordered, "of all Affidavits used on a Motion in the Queen's Bench in Ireland, made during last Term, for a writ of habeas corpus, in the case of Patrick Casey: of the Ruling of the Court upon such Motion: of the Warrant of the Lord Lieutenant originally issued for his arrest: and, of all subsequent Warrants, if any, transferring or changing his custody" (*Mr. Butt*) P.P. 210

*Ireland—Railways—Local Guarantees*

Amendt. on Committee of Supply May 15, To leave out from "That," and add "in the opinion of this House, the existing system under which dividends chargeable on the Local Rates are guaranteed on capital invested in the construction of Railways in Ireland is unsatisfactory, and that no Bill containing local guarantee Clauses ought to be entertained, unless in the first instance the assent be proved of at least a majority of the ratepayers eligible for association with the magistrates at each of the immediately preceding baronial sessions of the county, and that in all future cases where the rates are thus pledged for the payment of dividends, the local governing bodies should be empowered to raise on behalf of the ratepayers the capital necessary for the construction of the Railway" (*The O'Connor Don*) v. [219] 315; Question proposed, "That the words, &c.;" after short debate, Amendt. withdrawn

[See title *Sligo, Leitrim, and Northern Counties Railway Bill*]

*Ireland—Registration of Parliamentary Voters*

Moved, "That a Select Committee be appointed to inquire into the expediency of amending the Law relating to the Registration of Parliamentary Voters in Ireland, with a view to facilitate the registration of persons entitled to the franchise, and to prevent frivolous objections; and to report thereon" (*Mr. Meldon*) May 19, [219] 529; Motion agreed to And, on June 2, Committee nominated as follows:—Mr. D. Plunket (Chairman), Mr. Attorney General for Ireland, Sir Michael Hicks-Beach, Mr. Butt, Mr. Maxwell Close, Mr. Downing, Mr. Kavanagh, Mr. Law, Mr. Charles Lewis, Mr. Meldon, Mr. Mulholland, Mr. O'Shaughnessy, Mr. William Shaw, Mr. Richard Smyth, and Colonel Taylor Report of Select Committee July 3

(Parl. P. No. 261)

*Ireland—Sale of Intoxicating Liquors in, on Sunday*

Amendt. on Committee of Supply May 8, To leave out from "That," and add "in the opinion of this House, the Law which prohibits the sale of Intoxicating Liquors on Sunday in Scotland ought to be extended to Ireland" (*Mr. Richard Smyth*) v., [218] 1991; Question proposed, "That the words, &c.;" after debate, Question put; A. 201, N. 110; M. 91

*Ireland—The National Education Commissioners—Callan Schools*

Moved, "That, in the opinion of this House, the action taken by the Irish Commissioners for Education in reference to the Callan Schools has been marked with inconsistency, and has not been in conformity with precedents or with the spirit of its regulations" (*Mr. William Cartwright*) June 2, [219] 867 Amendt. proposed, to leave out from "That," and add "this House, without expressing any approval of the conduct of the Commissioners of National Education in Ireland in originally dismissing Mr. O'Keeffe from the office of Manager of the Callan Schools, is of opinion, having regard to the course taken by the Board since the adoption of the Rule of July 1873, and to the existing arrangements for the management of the Schools, that there does not at present exist any sufficient ground for the interference of Parliament" (*Sir Michael Hicks-Beach*) v.; Question proposed, "That the words, &c.;" after long debate, Question put; A. 118, N. 206; M. 88 Words added; main Question, as amended, put, and agreed to

*Ireland—See title Parliamentary Relations (Great Britain and Ireland)—Home Rule*

*Irish Church Act (Commutation)*

Moved, "That there be laid before this House a Return of the number, names, and present residences or living of Clergymen and Ecclesiastics of whatever grade in the Irish Church who up to the end of July, 1874, have, under the Irish Church Act, commuted and compounded; stating the annual value of their livings, the amount of commutation agreed on, and the amount of composition paid in each case" (*Mr. Edward Jenkins*) August 1, [221] 1107

After short debate, Amendt. to leave out the words "and compounded" (*Mr. Attorney General for Ireland*); Question put, "That the words 'and compounded' stand part of the Question;" A. 22, N. 50; M. 28

Another Amendt. made, by leaving out the words "and the amount of composition paid in each case," and after the word "livings," inserting the word "and"

Main Question, as amended, put, and agreed to Return ordered, "of the number, names, and present residences or livings of Clergymen and Ecclesiastics of whatever grade in the Irish Church who up to the end of July,

*Irish Church Act (Commutation)*—cont.

1874, have, under the Irish Church Act, commuted; stating the annual value of their livings, and the amount of commutation agreed on

*Irish Church Temporalities Commission—Audit of Accounts*

Moved, "That it is the opinion of the House, that careful attention should be paid to the Report of the Comptroller and Auditor General upon the Accounts of the Irish Church Temporalities Commission" (*Sir John Gray*) July 27, [221] 709; after short debate, Motion withdrawn

**Irish Land Act (1870) Extension Bill**

(*The O'Donoghue, Sir Wilfrid Lawson, Mr. James Barclay, Mr. Herbert*)

c. Ordered \* Mar 25

Bill withdrawn \* June 23

[Bill 47]

*Irish Peerage*

Moved that an humble Address be presented to Her Majesty, praying Her Majesty's consent to a Bill being introduced limiting the prerogative of the Crown in so far as it relates to the creation of Irish Peerages, as provided by the Act of Union (*The Lord Inchiquin*) June 12, [219] 1476; after short debate, Motion withdrawn

[See title *Parliament—Representative Peers of Scotland*]

**Irish Reproductive Loan Fund Bill**

(*Mr. William Henry Smith, Sir Michael Hicks-Beach*)

c. Ordered; read 1<sup>o</sup> \* June 29 [Bill 183]

Read 2<sup>o</sup> \* July 31

Committee; Report August 1, [221] 1103

Moved, "That the Bill, as amended, be now taken into Consideration" August 3, 1223

Amendt. to leave out "now," and add "upon this day three months" (*Mr. Downing*);

Question proposed, "That 'now,' &c.;" after short debate, Question put, and agreed to; Main Question put, and agreed to; Bill considered

Read 3<sup>o</sup> \* August 4

l. Read 1<sup>o</sup> \* (*The Lord President*) August 4 (No. 233)

Read 2<sup>o</sup> \*; Committee negatived August 5

Read 3<sup>o</sup> \* August 6

Royal Assent August 7 [37 & 38 Vict. c. 86]

**ISAAC, Mr. S., Nottingham**

Elementary Education Act (1870) Amendment, 2R. Amendt. [219] 1318

**JACKSON, Mr. H. M., Coventry**

Endowed Schools Acts Amendment, Comm. cl. 4, [221] 595

Land Titles and Transfer, 2R. [220] 1239

**JAMES, Sir H., Taunton**

Colonial Office—Official Staff, [221] 794

Controverted Elections (Ireland)—Mr. Justice Lawson, Res. [218] 1897

County Courts, 2R. [221] 1107

Endowed Schools Acts Amendment, Comm. cl. 1, [221] 537

Expiring Laws Continuance, 2R. [221] 738; Comm. Schedule, 1020

Factories (Health of Women, &c.), Comm. cl. 15, [220] 335

Imprisonment for Debt, 2R. [218] 555

Intoxicating Liquors, Comm. cl. 9, Amendt. [219] 1114; Consid. cl. 2, 1696; cl. 26, 1730; cl. 13, [220] 104, 105, 109

Judicature Act, [219] 1158

Judicature Bills—Postponement, [221] 763

Juries, 2R. [218] 972; Comm. cl. 2, [219] 285; cl. 4, *ib.*; cl. 5, 286, 288, 289, 290;

cl. 29, 293; cl. 50, 298; cl. 53, 676; cl. 77, 805, 807

Land Titles and Transfer, 2R. [220] 1258

Municipal Boroughs (Auditors and Assessors), 2R. [219] 694

Parliament, Houses of—Light in Clock Tower, [218] 926

Now Writ—Borough of Stroud, [218] 1934

Parliamentary Elections (Polling), 2R. [218] 300

Parliamentary Elections (Returning Officers), 2R. [218] 1339;—Withdrawal of Bill, [221] 132

Public Worship Regulation, Consid. cl. 8, [221] 1065

Supreme Court of Judicature Act (1873) Amendment, Comm. cl. 4, Amendt. [221] 160, 162; cl. 5, Amendt. 163; cl. 12, 172, 705

Supreme Court of Judicature Act (1873) Suspension, 2R. [221] 1039; Comm. cl. 2, Amendt. 1223

**JAMES, Mr. W. H., Gateshead**

Endowed Schools Acts Amendment, Comm. [221] 341

Intoxicating Liquors, 2R. [219] 104; Comm. 999; cl. 28, Amendt. 1186, 1187; Consid. cl. 26, 1726

Supply—Houses of Parliament, [218] 1135

**JENKINS, Mr. D. J., Penryn, &c.**

Egypt—Duty on Coal, [221] 1333

Merchant Shipping Survey, 2R. [220] 358

Post Office—Peninsular and Oriental Steam Navigation Company, Contract with, [221] 393

West India Mails, [220] 698

Post Office—West India Mail Contract, Res. [221] 1302; Amendt. 1303, 1306

**JENKINS, Mr. E., Dundee**

Ashantee War, [218] 486

Canada, Dominion of—Canadian Ministry, [220] 606

Law Officers of the Crown, [218] 493

Church Patronage (Scotland), 2R. Motion for Adjournment, [220] 1183; Comm. Amendt. [221] 651, 678

Colonial Acts, [219] 1560, 1562

[cont.]

JENKINS, Mr. E.—*cont.*

- Friendly Societies, [219] 1677  
 Intoxicating Liquors, 2R. [219] 146  
 Irish Church Act (Commutation), Motion for a Return, [221] 1107, 1110  
 Irish Church Representative Body, [219] 614  
 Irish Church Temporalities Commission—Audit of Accounts, [221] 619, 622  
 Mauritius—Coolies, The, [218] 1180  
 Merchant Ships (Measurement of Tonnage), 2R. [219] 1222  
 Natal—Kaffir Outbreak, The Late, [218] 266  
 Newfoundland—Telegraph Monopoly, [219] 622  
 Parliamentary Elections (Polling), 2R. [218] 306  
 Reunion, Island of—British Indian Coolies, [220] 226  
 West African Settlements, Res. [218] 1647

JENKINSON, Sir G. S., *Wiltshire, N.*

- Ancient Monuments, 2R. [218] 582  
 Endowed Schools Acts Amendment, Comm. cl. 1, [221] 514, 537  
 Intoxicating Liquors, Comm. cl. 2, [219] 1065, 1078, 1081; Amendt. 1084; *add. cl.* 1198; Consid. [220] 91, 94; cl. 4, Amendt. 95, 97  
 Malt Tax, Res. [218] 1039, 1041  
 Metropolis—Thames Embankment—Access from the Strand, [218] 632  
 Parliament—Business of the House, Res. [219] 1407; [220] 873, 874  
 Suez Canal—Navigation, Suspension of, [218] 714, 1096, 1182  
 Supply—Local Assessments—Relief of the Poor, [220] 478  
 Turnpike Trusts, Extinction of—Legislation, [218] 631  
 Valuation of Property, 2R. [219] 665; Comm. cl. 3, Amendt. [220] 180, 184, 186, 641, 647, 648, 650; Amendt. 653, 654, 656, 660, 664  
 Ways and Means—County Police, [219] 271  
 Ways and Means—Financial Statement, Res. 3, [218] 680; Amendt. 1059

JERVIS, Colonel H. J. W., *Harwich*

- Army—Miscellaneous Questions  
 Indian Officers, Retirement of, [220] 1521; [221] 1, 208  
 Landguard Fort, [218] 983  
 Majors of Artillery Serving in India, [221] 299  
 Royal (late Indian) Ordnance Corps [Compensation], [221] 207  
 East India Company, Pensions to Officers of the late, [220] 1473, 1522  
 Intoxicating Liquors, Comm. cl. 2, [219] 1067, 1076; Consid. cl. 26, 1725

JOHNSTON, Mr. W., *Belfast*

- Ashantee Expedition—Captain Niven, [219] 72  
 Garrison at Prabsu, [218] 1841  
 Factories (Health of Women, &c.), Comm. cl. 4, [220] 319, 323  
 Intoxicating Liquors (Ireland) (No. 2), Comm. cl. 4, Amendt. [220] 210  
 Ireland—Tyrone—Coal Island, Disturbance at, [218] 336  
 Parliament—Address in Answer to the Speech, [218] 148  
 Ways and Means—County Lunatic Asylums (Ireland), [219] 71

JOHNSTONE, Sir H., *Scarborough*

- Endowed Schools Acts Amendment, Comm. cl. 1, [221] 511  
 218] Intoxicating Liquors, Leave, 1247  
 219] Comm. 998; cl. 2, Amendt. 1027, 1030, 1064, 1066; cl. 6, 1107, 1108; cl. 7, 1109; cl. 16, 1178; cl. 19, 1180; Consid. cl. 26, 1737  
 220] 91; cl. 4, 96; cl. 27, Amendt. 173  
 Public Worship Regulation, Comm. cl. 6, [221] 233, 234; cl. 7, 249

Joint-Stock Companies—*Provident Savings Banks—Legislation*

- Question, Sir Edward Watkin; Answer, Mr. Assheton Cross April 24, [218] 1094

JONES, Mr. J., *Cardiganshire*

- Criminal Law—Countess De Civy, Release of the, [218] 349

Judicature Act—See title *Law and Justice*

## Juries Bill

(*Mr. Lopes, Mr. Gregory, Mr. Goldney*)

- c. Ordered; read 1<sup>st</sup> Mar 20 [Bill 18]  
 218] Read 2<sup>nd</sup>, after debate April 22, 964  
 219] Committee—R.P. May 14, 285  
 . Committee—R.P. May 21, 671  
 . Committee—R.P. June 1, 802  
 . Committee—R.P. June 2  
 . Committee; Report June 15, 1663 [Bill 149]  
 220] Question, Mr. Morgan Lloyd; Answer, Mr. Lopes July 14, 1624  
 Bill withdrawn \* July 30

## Juries (Ireland) Bill

(*Mr. Attorney General for Ireland, Sir Michael Hicks-Beach*)

- c. Ordered; read 1<sup>st</sup> June 16 [Bill 153]  
 Read 2<sup>nd</sup> June 18  
 Committee; Report June 19  
 Read 3<sup>rd</sup> June 22  
 l. Read 1<sup>st</sup> (*The Lord President*) June 23 (No. 131)  
 Read 2<sup>nd</sup>; Committee negatived June 26  
 Read 3<sup>rd</sup> June 29  
 Royal Assent June 30 [37 & 38 Vict. c. 28]

KARSLAKE, Sir J. B., *Huntingdon*

- Intoxicating Liquors, Consid. cl. 26, [219] 1734; cl. 27, [220] 116, 119  
 Juries, Comm. cl. 73, [219] 803  
 Land Titles and Transfer, 2R. [220] 1256  
 Supreme Court of Judicature Act (1873) Amendment, Comm. [221] 153; cl. 2, 158

KAVANAGH, Mr. A. M., *Carlow Co.*

- Cattle—Importation of Infected, [220] 223  
 Contagious Diseases (Animals)—Report of Committee (1873), [220] 591  
 Ireland—Dunmore Harbour, [218] 481  
 Irish Railways—Acquisition and Control of, Res. [218] 1307  
 Poor Relief (Ireland), 2R. Amendt. [219] 533, 541

**KAY-SHUTTLEWORTH, Mr. U. J., *Hastings***  
 Education Department—Annual Report, [218]  
 1495;—Revised Code, Res. 1707, 1735  
 Elementary Schools, Extra Subjects in, Res.  
 [218] 1540  
 Endowed Schools Acts Amendment, 2R. [220]  
 1677; Comm. *cl.* 1, [221] 504, 508, 509;  
*cl.* 2, Amendt. 589; *cl.* 8, 646; *add. cl.* 648;  
 Preamble, 650  
 Intoxicating Liquors, Comm. *cl.* 2, [219] 1031;  
 Consid. *cl.* 27, [220] 117, 127  
 Merchant Shipping Survey, 2R. Motion for  
 Adjournment, [220] 381  
 Metropolis—Dwellings of Working People, Res.  
 [218] \*1943, 1977, 1987  
 Metropolitan Buildings and Management, 2R.  
 [218] 1352  
 Private Bill Legislation—New Standing Orders,  
 [221] 964  
 Supply—Public Education, [219] 1652

**KENNAWAY, Sir J. H., *Devonshire, E.***  
 Endowed Schools Acts Amendment, Comm.  
 [221] 407, 409  
 Intoxicating Liquors, Comm. *cl.* 2, [219] 1009,  
 1090; *cl.* 9, Amendt. 1112, 1114; Consid.  
*cl.* 26, 1714  
 Intoxicating Liquors (Licensing) Act (1872),  
 [219] 853  
 Leases and Sales of Settled Estates, 2R. [219]  
 544  
 Monastic and Conventual Institutions, Res.  
 Amendt. [219] 1512; [221] 298  
 Public Worship Regulation, Comm. *cl.* 6, [221]  
 235; Consid. *cl.* 6, 1048  
 Supply—British Museum, [220] 448

**KENSINGTON, Lord, *Haverfordwest***  
 Parliament—New Writs, Issue of, [218] 1845,  
 1928

**KESTEVEN, Lord**  
 Rating, 2R. [221] 284

**KIMBERLEY, Earl of**  
 Ashantee War—Grant to the Forces, [218] 1258  
 Cape Colony—Natal, Disturbance in, [219] 1666  
 Colonial Clergy, 2R. [218] 1806  
 Contagious Diseases of Animals—Regulations  
 for Great Britain and Ireland, [220] 131;  
 [221] 199  
 Factories (Health of Women, &c.), Comm.  
*cl.* 12, [220] 1620  
 Fiji Islands—Cession to the British Crown,  
 [221] 192  
 Gold Coast, Affairs of the, [219] 170  
 Harbour of Colombo (Loan), 2R. [220] 67  
 India Councils, Comm. [219] 1263  
 Intoxicating Liquors, 2R. [220] 694; Comm.  
*add. cl.* 1190; *cl.* 3, 1198, 1200, 1204, 1208;  
*cl.* 11, 1211; *cl.* 12, *ib.* 1212; *cl.* 14, 1213;  
*cl.* 33, 1216; Report, *cl.* 32, 1612  
 Malay Peninsula, Address for Correspondence,  
 [219] 476;—Sir Harry Ord, 600; [220] 1060  
 Public Worship Regulation, Comm. *cl.* 9, [219]  
 1148; Report, *cl.* 8, [220] 144  
 Rating, 2R. [221] 274  
 Wild Birds Law Amendment, 2R. [220] 288  
 Working Men's Dwellings, 2R. [220] 985

**KINGSCOTE, Lieut.-Colonel R. N. F.,  
*Gloucestershire, W.***  
 Dean Forest, Motion for a Committee, [218] 929  
 Gloucester—Outbreak of Small-Pox, [220] 1082

**KINNAIRD, Hon. A. F., *Perth***  
 Acheen—Treaty of 1819, [218] 1589  
 Church Patronage (Scotland), 2R. [220] 1184  
 Criminal Law Amendment Act (1871) Repeal,  
 2R. [220] 1325  
 East India Revenue Accounts, Comm. [221]  
 1210  
 Egypt—Consular Jurisdiction and Suez Canal,  
 [220] 520  
 Endowed Schools Acts Amendment, Comm.  
*cl.* 4, [221] 608  
 Honduras—Minister Plenipotentiary, [219] 615  
 Metropolitan Buildings and Management, 2R.  
 [218] 1355  
 Monastic and Conventual Institutions, Motion  
 for an Address, [221] 832  
 National School Teachers (Ireland), Res. [219]  
 1290  
 Navy—H.M.S. "London," [218] 410  
 Public Worship Regulation, Consid. *cl.* 7, [221]  
 1057; 3R. 1169  
 Spirituous Liquors (Scotland), 2R. [219] 579  
 Supply—Dr. Livingstone, Family of the Late,  
 [221] 827  
 Ways and Means, Report, [218] 1200  
 West African Settlements, Res. [218] 1643

**KNATCHBULL-HUGESSEN, Right Hon. E.  
 H., *Sandwich***  
 Ashantee War—Captain Glover, [218] 986  
 Fiji Islands—Annexation, Res. [221] 1292  
 Gold Coast, [219] 392  
 Gold Coast, Slavery on the, Res. [220] 620  
 Hertford College (Oxford), [219] 481  
 Intoxicating Liquors, Comm. *cl.* 2, [219] 1020,  
 1068, 1074, 1083, 1087, 1090; *cl.* 9, 1113;  
 Consid. *cl.* 26, 1717, 1719, 1739; [220]  
 77; Amendt. 86, 88, 93; *cl.* 8, 102; *cl.* 13,  
 109  
 Juries, Comm. *cl.* 77, Motion for reporting  
 Progress, [219] 808  
 Mercantile Marine—Lifeboat for Dungeness,  
 [221] 1334  
 Natal—Native Tribes, Recent Outbreak of,  
 [219] 618, 1155; [221] 1033  
 Parliament—Order of Public Business, [221]  
 4, 6  
 Parliament—Business of the House (Opposed  
 Business), Res. [218] 284  
 Public Worship Regulation, 2R. [220] 1367,  
 1440; Comm. *cl.* 8, [221] 253; 3R. 1154  
 Supply—Salaries of Colonial Governors, [220]  
 469  
 West African Settlements, Res. [218] 1603

**KNIGHTLEY, Sir R., *Northamptonshire, S.***  
 Parliament—Count-out, The late, [219] 1303  
 Order of Business, [221] 12  
 West African Settlements, Res. Motion for  
 Adjournment, [218] 1663

**KNOWLES, Mr. T., *Wigan***  
 Coal Mines Abroad—State Ownership, [220]  
 1517  
 Valuation of Property, Comm. *cl.* 3, [220] 663

**Labourers and Artisans Dwellings Bill**  
(*Sir Percy Burrell, Mr. Cunliffe Brooks*)  
Ordered; read 1<sup>o</sup> \* June 10  
Moved, "That the Bill be now read 2<sup>o</sup>."  
July 1, [220] 853  
Amend. to leave out "now," and add "upon  
this day three months" (*Mr. Chancellor of  
the Exchequer*); Question, "That 'now,'  
&c.;" put, and negatived  
Words added; main Question, as amended,  
put, and agreed to; 2R. put off for three  
months

**Labourers Cottages (Scotland) Bill**  
(*Mr. Fordyce, Mr. McCombie, Mr. James Barclay,  
Sir George Balfour, Mr. Kinnaird*)  
[Bill 63]  
c. Ordered; read 1<sup>o</sup> \* Mar 31  
Bill withdrawn \* July 7

**Labour Laws Commission**  
Questions, *Mr. Mundella*; Answers, *Mr.  
Asheton Cross* July 30, [221] 977; Ques-  
tion, *Sir William Fraser*; Answer, *Mr.  
Asheton Cross* August 5, 1834

**LAING, Mr. S., Orkney, &c.**  
Church Patronage (Scotland), 2R. [220] 1142  
Church Rates Abolition (Scotland), 2R. [220]  
1311  
East India Annuity Funds, Comm. [218] 898  
East India Loan, Comm. Res. [218] 187; 3R.  
357  
Supply—Revenue Departments, [218] 195  
Ways and Means, Comm. Amend. [218] 1041

**LAIRD, Mr. J., Birkenhead**  
Chain Cables and Anchors, [218] 1676  
Intoxicating Liquors, 2R. [219] 159, 273;  
Comm. 995; cl. 2, 1088; Amend. 1091,  
1104

**LAMBERT, Mr. N. G., Bucks**  
Ways and Means—Local Taxation—Lunatics,  
&c. [218] 1181

**Land and House Owners, &c.—England—  
The Returns**  
Question, *Viscount Halifax*; Answer, *The  
Duke of Richmond* April 28, [218] 1259

**Land Drainage Provisional Order Bill**  
(*Sir Henry Selwin-Ibbetson, Mr.  
Secretary Cross*)  
[Bill 170]  
c. Ordered; read 1<sup>o</sup> \* June 25  
Read 2<sup>o</sup> \* June 29  
Committee \*; Report July 8  
Read 3<sup>o</sup> \* July 9  
l. Read 1<sup>o</sup> \* (*The Lord President*) July 10  
(No. 168) \*

**Landed Property (Ireland) Bill** [H.L.]  
(*The Earl of Bandon*)  
... \* May 4 (No. 53)

**Landed Property (Ireland) Bill** [H.L.]  
(*The Earl of Bandon*)  
l. Presented; read 1<sup>o</sup> \* May 21 (No. 75)  
Bill withdrawn \* June 2

**Landlord and Tenant (Ireland) Act (1870)  
Amendment Bill**  
(*Mr. Nolan, Sir  
John Gray, Mr. Meldon, Mr. Tighe*)  
[Bill 20]  
c. Ordered; read 1<sup>o</sup> \* Mar 20  
2R. [Dropped]

**Landlord and Tenant (Ireland) Act (1870)  
Amendment (No. 2) Bill**  
(*Sir John Gray, Mr. Patrick Martin, Mr. Meldon,  
Mr. O'Sullivan*)  
[Bill 61]  
c. Ordered; read 1<sup>o</sup> \* Mar 30  
2R. [Dropped]

**Land Tax**  
Moved, "That, in the opinion of this House  
the Land Tax ought to be assessed on the  
Poors Rate valuation thereof now in force  
instead of on the original valuation" (*Mr.  
Eyton*) [April 14, [218] 545; [The Motion not  
being seconded was not put]

**Land Tax Commissioners Names Bill**  
(*Mr. William Henry Smith, Mr. Chancellor of  
the Exchequer*)  
[Bill 76]  
c. Ordered; read 1<sup>o</sup> \* April 20  
Read 2<sup>o</sup> \* April 27  
Committee \*; Report June 8  
Read 3<sup>o</sup> \* June 11  
l. Read 1<sup>o</sup> \* (*Lord President*) June 12 (No. 10)  
Read 2<sup>o</sup> \* June 19  
Committee \*; Report June 22  
Read 3<sup>o</sup> \* June 23  
Royal Assent June 30 [37 & 38 Vict. c. 18]

**Land Titles and Transfer Bill** [H.L.]  
(*The Lord Chancellor*)  
l. Presented; read 1<sup>o</sup>, after short debate Mo  
[218] 330 (No.  
Read 2<sup>o</sup> April 23, 980  
Committee \*; Report; Re-comm. April  
Committee, after short debate May 5, 1  
(N.  
(N.  
Report \* May 15  
The Queen's consent signified; Bill  
June 1, [219] 727  
c. Read 1<sup>o</sup> \* (*Mr. Attorney General*) Ju  
Moved, "That the Bill be now  
July 7, [220] 1228  
Amend. to leave out from "That  
"this House, whilst fully recognis  
portance of facilitating and chea  
Transfer of Land, is of opinion  
objects would not be accompli  
measure now proposed" (*Sir F.  
smid*) v.; Question proposed,  
words, &c.;" after debate, A  
drawn  
Main Question put, and agr  
read 2<sup>o</sup>  
Question, *Mr. Childers*; Answer  
Smith July 10, 1474  
Bill withdrawn \* July 27

*Land Titles and Transfer* [*Salaries, &c.*]

Resolution in Committee \* July 18  
Resolution reported July 17

**LANDSDOWNE, Marquess of**

Army—Boxer-Shrapnel Shell, The, [219] 1494, 1495  
Army and Militia, Address for Returns, [219] 744  
Army—Militia Recruiting, Address for Returns, [218] 225  
Army—Recruiting, Address for Correspondence, [220] 500, 503  
Railways, Ireland—Guarantees from County Rates, [218] 1403

**LAUDERDALE, Earl of**

Ashantee War—Grant to the Forces, [218] 1255  
Church Patronage (Scotland), 2R. [219] 832; Comm. cl. 3, 1253  
Gold Coast—Future Policy of the Government, [218] 397, 398  
Navy—Cadets, Admission of, [219] 1474  
State of the, [218] 210, 218, 221

*Law and Justice*

*Supreme Court of Judicature (Rules and Regulations)*, (P. P. 348)

*Judicature and Appeal—Irish and Scotch Appeals*, Question, Sir George Bowyer; Answer, Mr. Disraeli May 4, [218] 1681; Question, Sir George Bowyer; Answer, The Attorney General for Ireland May 5, 1876

*Judicature Act*

*Alteration of the Circuits*, Question, Mr. Rathbone; Answer, The Attorney General July 23, [221] 556

*Redistribution of Circuits (England)*, Question, Mr. Charley; Answer, Mr. Assheton Cross August 4, [221] 1258

*The Rules*, Question, Sir Henry James; Answer, The Attorney General June 8, [219] 1168; Question, Sir George Bowyer; Answer, The Attorney General June 11, 1403

*Bills of Sale Amendment Bill—County Courts Bill*, Questions, Sir Henry James, Mr. Roebuck; Answers, The Attorney General August 3, [221] 1162

*Judicature Commission—Additional Report on Tribunals of Commerce*, Question, Mr. Whitwell; Answer, Mr. Assheton Cross Mar 27, [218] 349; July 31, [221] 1032

Third Report . . . . . [957, 957-1]

Fourth Report . . . . . [984, 984-1]

*Judicature (Ireland) Bill*, Question, Sir Colman O'Loughlin; Answer, The Attorney General for Ireland May 1, [218] 1495; Question, Mr. McCarthy Downing; Answer, Sir Michael Hicks-Beach July 13, [220] 1523;—*Irish Judicial System*, Questions, Mr. Serjeant Sherlock, Mr. Mitchell Henry; Answers, Mr. Disraeli July 30, [221] 966

*The Judicature Act, 1873—Postponement*, Question, Mr. Watkin Williams; Answer, The Attorney General April 21, [218] 924  
[See titles *Supreme Court of Judicature Act* (1873) *Amendment Bill—Court of Judicature (Ireland) Bill*]

[cont.]

*Law and Justice—cont.*

*Patent Laws—Legislation*, Question, Mr. Cawley; Answer, Mr. Assheton Cross July 21, [221] 391

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*Commission of the Peace—Precedency*, Question, Mr. Evelyn Ashley; Answer, Mr. Assheton Cross July 9, [220] 1350

*Leicester Borough Magistrates*, Question, Mr. A. M'Arthur; Answer, Mr. Assheton Cross August 4, [221] 1256

*Magistracy, Worcester City*, Question, Mr. Sherriff; Answer, Mr. Assheton Cross July 14, [220] 1621

*Public Prosecutors—Legislation*, Question, Sir Eardley Wilmot; Answer, Mr. Assheton Cross April 22, [218] 957

*Rochester City Bench*, Question, Mr. Goldsmid; Answer, Mr. Assheton Cross July 30, [221] 975; August 3, 1149

**LAW, Right Hon. H., Londonderry, Co.**

Court of Judicature (Ireland), 2R. [220] 1367  
Endowed Schools Acts Amendment, Comm. cl. 4, [221] 597 (See also Appendix)

Ireland—Phoenix Park Riots, [219] 1118  
Ireland—National Education Commissioners—Callan Schools, Res. [219] 911

Land Titles and Transfer, 2R. [220] 1251  
Supply—Charitable Donations and Bequests

Office, Ireland, [219] 349  
Report—8th Resolution—Secret Service, [219] 451

**LAWRENCE, Lord**

Education Department, [220] 604  
India—Bengal Famine, Address for Papers, [218] 1090

India Councils, 3R. [219] 1580  
Intoxicating Liquors, Comm. Schedule, [220] 1220

Slaughterhouses, &c. Comm. [221] 385

**LAWRENCE, Alderman Sir J. C., Lambeth**

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Juries, Comm. cl. 5, [219] 289; cl. 29, Amendt. 292

Metropolis—Working People's Dwellings, Res. [218] 1973

Metropolitan Buildings and Management, 2R. [218] 1353

Ways and Means, Comm. Amendt. [218] 1055  
Western Australia—Emigration, [218] 1411

**LAWSON, Sir W., Carlisle**

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Aylesford, Lord, and the Warwickshire Yeomanry Cavalry, [220] 70

Army Estimates—Land Forces, Amendt. [218] 454

Crystal Palace—Licensing Act, [218] 1580;—(Spirituous Liquors License), Motion for Papers, 2022, 2023, 2024

Factories (Health of Women, &c.), Comm. add. cl. [220] 338

Fiji Islands—Annexation, Res. [221] 1295

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LAWSON, Sir W.—*cont.*

- Gold Coast—Policy of the Government, [219] 272, 273, 312  
 Gold Coast, Slavery on the, Res. [220] 621  
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 Parliament—Derby Day—Adjournment of the House, [219] 854  
 Public Business, [220] 228  
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 Permissive Prohibitory Liquor, 2R. [220] 2, 26, 37, 39  
 Public Worship Regulation [Consolidated Fund, &c.], Comm. [221] 913  
 Spirituous Liquors (Scotland), 2R. [219] 570  
 Supply—Dr. Livingstone—Family of the late, [221] 827  
 H.R.H. The Duke of Edinburgh, Marriage of, [221] 827  
 Salaries of Colonial Governors, [220] 464  
 Ways and Means—Financial Statement, Res. 3, [218] 693  
 West African Settlements, Res. Amendt. [218] 1597, 1663, 1664  
 Zanzibar, Sultan of, [221] 1258

LEARMONTH, Colonel A., *Colchester*

- Army—Medical Officers on the Gold Coast, [221] 970  
 Medical Warrant, 1873, [221] 971  
 Criminal Law—Sentence on a Cabman, [221] 1406  
 Intoxicating Liquors, Comm. *cl.* 2, [219] 1024, 1083  
 Sanitary Laws Amendment, Comm. *cl.* 6, Amendt. [220] 1495

## Leases and Sales of Settled Estates Bill

(Mr. Gregory, Sir John Kenneway, Mr. Lopes)

- c.* Ordered; read 1<sup>o</sup> *Mar* 20 [Bill 8]  
 Read 2<sup>o</sup>, after short debate *May* 20, [219] 542  
 Committee \*; Report *June* 2  
 Considered \* *June* 5  
 Read 3<sup>o</sup> \* *June* 8  
*l.* Read 1<sup>o</sup> \* (*Lord Chelmsford*) *June* 9 (No. 93)  
 Moved, "That the Bill be now read 2<sup>o</sup>"  
*July* 2, [220] 855  
 Amendt. to leave out ("now,") and insert ("this day three months") (*The Marquess of Bath*); after short debate, Amendt. withdrawn; original Motion agreed to; Bill read 2<sup>o</sup>  
 Committee \* *July* 3  
 Report \* *July* 7  
 Read 3<sup>o</sup> \* *July* 9  
 Royal Assent *July* 16 [37 & 38 *Vict.* c. 33]

LEATHAM, Mr. E. A., *Huddersfield*

- Church Patronage (Scotland), 2R. [220] 1170  
 Endowed Schools Acts Amendment, Comm. [221] 343  
 Endowed Schools Commission, [219] 481  
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LEEMAN, Mr. G., *York*

- Intoxicating Liquors, Consid. [220] 82; *cl.* 27, 119, 121  
 Livingstone, Dr. [219] 69

LEFEVRE, Mr. G. J. Shaw, *Reading*

- Board of Trade (Marine Department), [218] 1690  
 Railway Inspectors—Captain Tyler, [219] 334  
 Endowed Schools Acts Amendment, Comm. [221] 350; *cl.* 4, 596, 646  
 Intoxicating Liquors, Comm. *cl.* 2, [219] 1095; *cl.* 12, 1174; Consid. *cl.* 2, 1695; *cl.* 26, 1725, 1729, 1741; *cl.* 13, [220] 107; *cl.* 27, Amendt. 118  
 Merchant Ships (Measurement of Tonnage), 2R. [219] 1222  
 Metropolis—Working People's Dwellings, Res. [218] 1975  
 Navy—H.M. Dockyards, [218] 828, 835, 843  
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 Wages, &c. for Seamen and Marines, [218] 1461, 1478, 1479  
 Supply—Ashantee Expedition, [218] 199

Legal Departments Commission—*The Report*

- Question, Mr. Trevelyan; Answer, Mr. Ascheton Cross *April* 27, [218] 1180  
 Report . . . . . [949]

## Legal Practitioners Bill

(Mr. Charley, Mr. Charles Lewis)

- c.* Ordered; read 1<sup>o</sup> *Mar* 20 [Bill 24]  
 Read 2<sup>o</sup>, after short debate *July* 8, [220] 1271  
 Committee \*; Report *July* 16  
 Considered \* *July* 17  
 Read 3<sup>o</sup> \* *July* 20  
*l.* Read 1<sup>o</sup> \* *July* 21 (No. 190)

LEGARD, Sir O., *Scarborough*

- Criminal Law—Alleged Man-and-Dog Fight at Hanley, [220] 1354; [221] 554  
 Parliamentary Relations (Great Britain and Ireland)—Home Rule, Res. [220] 761

LEIGH, Lieut.-Colonel Egerton, *Cheshire*  
*Mid*

- Army—Cavalry Horses, [218] 1834  
 Coal Mines—Astley Deep Pit (Dukinfield), Explosion at, Motion for an Address, [221] 780  
 Criminal Law—Assaults on Women and Children, [221] 624  
 Criminal Law—Assaults on Women, Res. [219] 396, 399  
 Factories (Health of Women, &c.), Comm. *cl.* 4, [220] 327  
 Intoxicating Liquors, Comm. *cl.* 2, [219] 1026; *cl.* 8, 1110; *cl.* 9, 1114; Consid. *cl.* 26, 1728  
 Malaria—The "Eucalyptus Globulus," [220] 697  
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235; cl. 7, 239  
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[218] 1144  
Valuation of Property, Comm. cl. 3, [220] 650,  
659; cl. 4, 666  
Ways and Means, Report, [218] 1200

LEITH, Mr. J. F., *Aberdeen*

Church Patronage (Scotland), 2R. [220] 1184;  
Comm. cl. 3, [221] 690; Amendt. 701; cl. 7,  
841; Consid. cl. 3, 1096  
Supreme Court of Judicature Act (1873)  
Amendment, Comm. cl. 12, [221] 170  
Ways and Means—Local Taxation—Lunatics,  
[218] 987

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Ireland—Sligo, Leitrim, and Northern Counties  
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LENNOX, Lord H. G. C. G. (First  
Commissioner of Works), *Chichester*

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Chelsea Bridge and Battersea Park, [221] 120  
Hampton Court Park, [218] 1097  
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814  
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818  
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629  
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[218] 344  
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1155  
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[220] 1080  
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[220] 427  
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[219] 1154  
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Merioneth, [218] 1587; [221] 300  
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to the House of Commons, [218] 817;—  
Water-Glass Pictures, The, [221] 1422  
Patent Museum, [221] 301  
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LESLIE, Mr. J., *Monaghan*

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LEWIS, Mr. O. E., *Londonderry*

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cl. 4, [221] 603, 608  
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1016, 1018  
Intoxicating Liquors, Comm. cl. 2, [219] 1028  
Intoxicating Liquors (Ireland) (No. 2), Comm.  
cl. 11, [220] 341; cl. 12, 999; Amendt. 1001,  
1002; *add. cl.* 1013  
Juries, Comm. cl. 53, [219] 300  
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2R. [219] 594  
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[219] 1288  
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2R. [218] 1340  
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Amendment, Comm. [221] 147; cl. 2, 158

LEWIS, Mr. H. O., *Carlrow*

Army—Carlrow—Quartering of Troops, [219]  
1163  
Kilmainham Hospital, [218] 483, 494, 537  
Peace Preservation (Ireland) Act—"Flag of  
Ireland" Newspaper, [218] 1549  
Poor Law (Scotland)—Catholic Inmates of  
Workhouses, [220] 421

*sing Act*, 1872

*orts*, Question, Mr. J. G. Talbot; An-  
wer, Mr. Assheton Cross April 23, [218]  
386

*Returns*, Question, Sir Wilfrid Lawson; An-  
swer, Sir Henry Selwin-Ibbetson May 21,  
622; Questions, Mr. Melly, Mr. Goschen,  
Sir William Harcourt; Answers, Sir Henry  
Selwin-Ibbetson, Mr. Disraeli June 2, 856

Moved, That an humble Address be presented  
to Her Majesty for, Return of reports to the  
Home Secretary by the mayor of Manchester,  
chief constable of Blackburn on the working  
of the Licensing Act of 1872; and of such  
other reports by local authorities, stipendiary  
magistrates, or chief constables on the same  
subject, not being of a private character;  
made to the Home Office during the years  
1873 and 1874 (*The Lord Aberdare*) June 23,  
[220] 293; after short debate, Motion  
agreed to 145

Return (*Lord Aberdare*) . . . 90

Return (*Lord Cottesloe*)  
[See title *Intoxicating Liquors Bill*]

*Licensing Act*, 1872—*Valuation of Beer-Houses*,  
*Salford*, Question, Sir William Harcourt;  
Answer, Mr. Assheton Cross July 28, [221]  
857

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Supply—Ashantee Expedition, [218] 203  
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[218] 223

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Comm. Amendt. 920, 951; Re-comm. cl. 8,  
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Railways, Ireland—Guarantees from County  
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Supreme Court of Judicature Act (1873) Sus-  
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LINDSAY, Colonel R. J. Loyd, *Berkshire*  
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Irish National Education—Schoolmasters and  
Schoolmistresses, Motion for a Return, [220]  
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LLANDAFF, Bishop of

Endowed Schools—Gelligaer—Address to the  
Queen, [218] 1918, 1920

LLOYD, Mr. M., *Beaumaris*

Endowed Schools Acts Amendment, Comm.  
cl. 1, [221] 538

Intoxicating Liquors, Comm. cl. 28, Amendt.  
[219] 1183; Consid. cl. 26, 1741

Juries, Comm. cl. 50, Amendt. [219] 296;  
cl. 53, 673; cl. 73, 803; cl. 74, Amendt.  
804; [220] 1624

Ordinance Survey—(North Wales), [219] 852

Public Worship Regulation, Comm. cl. 6, [221]  
235

Sanitary Laws Amendment, Comm. cl. 33,  
Amendt. [220] 1497, 1498

Supreme Court of Judicature Act (1873)  
Amendment, Comm. [221] 150; cl. 2, 158

Welsh County Court Judges, [220] 531

LLOYD, Mr. S. S., *Plymouth*

Elementary Education Act (1870) Amendme  
2R. [219] 1347

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Imprisonment for Debt, 2R. [218] 564  
Infectious Disease, Importation of, [219] 1  
Post Office—West India Mail Contract,  
[221] 1306

Registration of Births and Deaths, (C  
cl. 21, Amendt. [221] 609; cl. 29, Ar  
ib.; cl. 37, Amendt. ib.)  
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*Local Authorities Receipts and Expe.*  
1872—*School Boards*  
Question, Mr. Pell; Answer, Mr.  
Booth May 19, [219] 479

Local Government Board's Pr  
Orders Confirmation (No. 3)  
(*The Lord Walsingham*)

l. Presented; read 1\* \*; and refe  
Examiners June 2

Read 2\* \* June 9  
Committee \*; Report June 19  
Read 3\* \* June 22

c. Read 1\* \* June 25  
Read 2\* \* June 26  
Committee \*; Report July 8  
Read 3\* \* July 9

l. Royal Assent July 16 [37 & 38

**Local Government Board's Provisional Orders Confirmation (No. 4) Bill [H.L.]**  
(*The Lord Walsingham*)

1. Presented; read 1<sup>st</sup>; and referred to the Examiners *June 11* (No. 97)  
Read 2<sup>nd</sup> *June 18*  
Committee\*; Report *June 26*  
Read 3<sup>rd</sup> *July 2*
- c. Read 1<sup>st</sup> (*Mr. Clare Read*) *July 6* [Bill 194]  
Read 2<sup>nd</sup> *July 7*  
Committee\*; Report *July 16*  
Read 3<sup>rd</sup> *July 17*
2. Royal Assent *July 30* [37 & 38 Vict. c. cliii]

**Local Government Provisional Orders Bill (Mr. Clare Read, Mr. Selater-Booth)**

- c. Ordered; read 1<sup>st</sup> *Mar 30* [Bill 62]  
Read 2<sup>nd</sup> *Mar 31*  
Committee\*; Report *April 14*  
Read 3<sup>rd</sup> *April 15*
1. Read 1<sup>st</sup> (*The Lord Steward*) *April 16*  
Read 2<sup>nd</sup> *April 23* (No. 26)  
Committee\*; Report *April 24*  
Read 3<sup>rd</sup> *April 27*  
Royal Assent *May 21* [37 Vict. c. i]

**Local Government Provisional Orders (No. 2) Bill**  
(*Mr. Clare Read, Mr. Selater-Booth*)

- c. Ordered; read 1<sup>st</sup> *May 15* [Bill 112]  
Read 2<sup>nd</sup> *May 18*  
Committee\*; Report *June 4*  
Read 3<sup>rd</sup> *June 6*
1. Read 1<sup>st</sup> (*Lord Walsingham*) *June 8* (No. 92)  
Read 2<sup>nd</sup> *June 16*  
Committee\*; Report *June 18*  
Read 3<sup>rd</sup> *June 19*  
Royal Assent *June 30* [37 & 38 Vict. c. xix]

**Local Government Board (Ireland) Provisional Order Confirmation Bill [H.L.]**  
(*The Lord President*)

1. Presented; read 1<sup>st</sup> *May 21* (No. 76)  
Read 2<sup>nd</sup> *June 12*  
Committee\* *July 10*  
Report\* *July 13*  
Read 3<sup>rd</sup> *July 14*  
Commons Amendts. (No. 223)
- c. Read 1<sup>st</sup> (*Sir Michael Hicks-Beach*) *July 16*  
Read 2<sup>nd</sup> *July 17* [Bill 207]  
Committee\*; Report *July 27*  
Re-committed to a Select Committee\* *July 28*  
Considered\* *July 31*  
Read 3<sup>rd</sup> *August 1*
1. Royal Assent *August 7* [37 & 38 Vict. c. clxxxvi]

**Local Government Board's Provisional Orders Confirmation (No. 5) Bill [H.L.]**  
(*The Lord Walsingham*)

1. Presented; read 1<sup>st</sup>; and referred to the Examiners *June 12* (No. 99)  
Read 2<sup>nd</sup> *June 18*  
Committee\* *July 7*  
Report\* *July 10*  
Read 3<sup>rd</sup> *July 14*
- c. Read 1<sup>st</sup> (*Mr. Clare Read*) *July 16* [Bill 209]  
Read 2<sup>nd</sup> *July 17*  
Committee\*; Report *July 27*  
Read 3<sup>rd</sup> *July 28*
1. Royal Assent *August 7* [37 & 38 Vict. c. clxxxii]

**Local Taxation—See title *Rating***

**LOCKE, Mr. J., *Southwark***

- Army—Channel Islands Militia, [221] 1332  
Building Act of 1844—Legislation, [218] 406  
Channel Islands, The—Arrest for Debt, [221] 762, 855  
Laws of Jersey—Report of the Commissioners, [221] 1332  
Education Department—Private Adventure Schools, [220] 1623  
Endowed Schools Acts Amendment, Comm. cl. 1, [221] 508, 518  
Intoxicating Liquors, Leave, [218] 1252; 2R. [219] 136; Comm. cl. 2, 1013, 1082, 1089; Consid. [220] 92  
Irish Church Act (Commutation), Motion for a Return, [221] 1108  
Metropolitan Board of Works, 2R. [218] 402, 404  
Museums, Opening of, on a Sunday, Res. [219] 527  
Open Spaces (Metropolis), 2R. [221] 1373  
Parliamentary Elections (Polling), 2R. [218] 311  
Post Office—Telegraphic Communication with the Channel Islands, [218] 231

**Locomotives on Roads Bill**

- (*Mr. Cawley, Mr. Hick, Mr. Wykeham Martin*)  
c. Ordered; read 1<sup>st</sup> *April 23* [Bill 81]  
2R. [Dropped]

**LONDON, Bishop of**

- Cathedrals and Churches, Address for Returns, [220] 216  
Colonial Clergy, 2R. [218] 1806  
Intoxicating Liquors, Comm. cl. 3, Amendt. [220] 1192, 1199; 3R. Amendt. [221] 200  
Public Worship Regulation, 2R. [219] 60; Comm. cl. 8, 1138; Report, cl. 8, [220] 144; add. cl. 151; Commons Amendts. Consid. [221] 1238

**LONGFORD, Earl of**

- Army—Boxer-Shrapnel Shell, [219] 1492  
Army—Royal Warrant, 1871—First Commissions, Address for a Paper, [221] 1390  
Crimea, British Cemeteries in the, [221] 1396

**LOPES, Sir M., *Devon, S.***

- Navy—Haulbowline, Works at, [220] 443

**LOPES, Mr. H. C., *Frome***

- Imprisonment for Debt, 2R. Amendt. [218] 550  
Innkeepers Liability, 2R. [219] 265  
218] Juries, 2R. 964  
219] Comm. cl. 1, Amendt. 285; cl. 5, 287, 288, 290; cl. 7, Amendt. 291; cl. 29, 293; cl. 42, 294; cl. 50, 297, 300; cl. 53, 301, 672, 680; cl. 74, 804; cl. 77, Amendt. 805, 806, 807, 808; cl. 105, Amendt. 1664; add. cl. 1665, 1666  
220] 1624  
Leases and Sales of Settled Estates, 2R. [219] 545  
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Supply—Post Office Services, [219] 1658

**LOTHIAN, Marquess of**

Parliament—Address in Answer to the Speech, [218] 26

**Lough Corrib Navigation Bill**

(*Sir Michael Hicks-Beach, Mr. Attorney General for Ireland*)

- c. Ordered; read 1<sup>o</sup> July 20 [Bill 218]  
 Moved, "That the Bill be now read 2<sup>o</sup>" July 23, [221] 610; after short debate, Question put; A. 64, N. 13; M. 33; Bill read 2<sup>o</sup>  
 Committee\*; Report July 27  
 Read 3<sup>o</sup> July 28  
 l. Read 1<sup>o</sup> (*The Lord President*) July 30  
 Read 2<sup>o</sup> August 3 (No. 207)  
 Committee\*; Report August 4  
 Read 3<sup>o</sup> August 5  
 Royal Assent August 7 [37 & 38 Vict. c. 71]

**Lowe, Right Hon. R., London University**

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 Education Department—Revised Code, Res. [218] 1732  
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 Friendly Societies, 2R. [220] 254  
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**Magdalen Hall Property Bill [H.L.]**

(*The Marquess of Salisbury*)

*l.* Presented ; read 1<sup>st</sup> \* Mar 19 (No. 3)

**Magistrates (Ireland) and Commissioners of Dublin Police Salaries Bill**

(*Sir Michael Hicks-Beach, Mr. Attorney General for Ireland*)

*c.* Considered in Committee May 1  
 Bill ordered ; read 1<sup>st</sup> \* May 18 [Bill 117]  
 Read 2<sup>nd</sup> \* May 21  
 Committee ; Report June 1, [219] 795  
 Read 3<sup>rd</sup> \* June 2  
*l.* Read 1<sup>st</sup> \* (*The Lord President*) June 4  
 Read 2<sup>nd</sup> \* June 11 (No. 86)  
 Committee\* ; Report June 15  
 Read 3<sup>rd</sup> \* June 16  
 Royal Assent June 30 [37 & 38 Vict. c. 23]

**Magistrates (Ireland) and Commissioners of Dublin Police (Allowances)**

*c.* Considered in Committee ; a Resolution agreed to May 22, [219] 725

**MAITLAND, Mr. J., *Kirkcudbrightshire***  
 Game Laws (Scotland), 2R. [218] 1385

**MAKINS, Lieut.-Colonel W. T., *Essex, S.***  
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**Malaria—The “Eucalyptus Globulus”**

Question, Colonel Egerton Leigh; Answer, Mr. J. Lowther June 30, [220] 897

**Malay Peninsula**

Moved, “That an humble Address be presented to Her Majesty for, Copy of the correspondence on the proceedings of the Straits Government in the Malay Peninsula” (*The Lord Stanley of Alderley*) May 19, [219] 467; after short debate, on Question, resolved in the negative

*Sir Harry Ord*, Personal Explanations, The Earl of Carnarvon, The Earl of Kimberley; short debate thereon May 21, [219] 597

Question, Observations, Lord Stanley of Alderley; Reply, The Earl of Carnarvon; short debate thereon July 6, [220] 1054

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**Malt Tax**

Amendt. on Committee of Supply April 23, To leave out from “That,” and add “in the opinion of this House, the Malt Tax ought to be reduced” (*Mr. Joshua Fielden*) v., [218] 1021; Question proposed, “That the words, &c.,” after short debate, Question put; A. 244, N. 17; M. 227

**MANCHESTER, Duke of**

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Supply—Post Office Packet Service, [219] 1661

Post Office Services, [219] 1659; [221] 828

Post Office Telegraph Service, [219] 1662; [221] 829

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**Marine Mutiny Bill**

(*Mr. Raikes, Mr. Hunt, Mr. Algernon Egerton*)

c. Ordered; read 1<sup>o</sup> \* Mar 31

Read 2<sup>o</sup> \* April 13

Committee \*; Report April 16

Considered \* April 17

Read 3<sup>o</sup> \* April 20

l. Read 1<sup>a</sup> \* (*The Lord Privy Seal*) April 20

Read 2<sup>a</sup> \*; Committee negatived April 21

Read 3<sup>a</sup> \* April 23

Royal Assent April 24 [37 Vict. c. 5]

**MARLBOROUGH, Duke of**

Public Worship Regulation, 2R. [218] 1146; [219] 32; Comm. 924, 925, 926, 928, 930, 931; Re-comm. cl. 8, 1124; cl. 9, 1148

**Marriages Legalization (St. John the Evangelist's Chapel in the parish of Shustock) Bill [H.L.]**

(*The Bishop of London*)

l. Presented; read 1<sup>a</sup> \* April 28 (No. 45)

Read 2<sup>a</sup> \* April 30

Committee \*; Report May 5

Read 3<sup>a</sup> \* May 7

c. Read 1<sup>o</sup> \* (*Mr. Clare Read*) May 11 [Bill 101]

Read 2<sup>o</sup> \* May 18

Committee \*; Report May 21

Read 3<sup>o</sup> \* June 1

l. Royal Assent June 8 [37 Vict. c. 17]

**Marriages Legalization (St. Paul's Church at Pooley Bridge) Bill [H.L.]**

(*The Bishop of Carlisle*)

l. Presented; read 1<sup>a</sup> \* April 27 (No. 42)

Read 2<sup>a</sup> \* April 30

Committee \*; Report May 5

Read 3<sup>a</sup> \* May 7

c. Read 1<sup>o</sup> \* (*Mr. Clare Read*) May 11 [Bill 102]

Read 2<sup>o</sup> \* May 14

Committee \*; Report May 18

Read 3<sup>o</sup> \* May 21

l. Royal Assent June 8 [37 Vict. c. 14]

METROPOLIS

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- Bow Street Police Court*, Question, Mr. Russell Gurney; Answer, Lord Henry Lennox August 3, [221] 1151
- Chelsea Bridge and Battersea Park*, Question, Sir Charles W. Dilke; Answer, Lord Henry Lennox July 16, [221] 120
- Co-operative Supply Associations and the Civil Service*, Question, Mr. Assheton Cross; Answer, Sir Thomas Chambers July 24, [221] 879; Observations, Sir Thomas Chambers; Reply, The Chancellor of the Exchequer; short debate thereon July 28, 859
- Dwellings for the London Poor*, Withdrawal of Notice, Lord Napier and Ettrick May 11, [219] 1
- High Tides on the Thames*, Question, Sir Charles Russell; Answer, Lord Eustace Cecil July 2, [220] 871
- Labourers' Dwellings, Somers Town*, Question, Sir Sydney Waterlow; Answer, Mr. Assheton Cross April 20, [218] 814
- Metropolitan Improvements—The New Government Offices — Knightsbridge Barracks*, Question, Observations, Lord Redesdale, Earl Fortescue; Replies, The Earl of Pembroke, Earl Beauchamp August 6, [221] 1402
- National Gallery*
- New Purchases—The Pietro Della Francesca*, Question, Mr. Hankey; Answer, Mr. Disraeli June 15, [219] 1584
- The Central Octagon Hall*, Question Mr. Wait; Answer, Lord Henry Lennox April 16, [218] 629
- The New Buildings*, Question, Mr. Cowper-Temple; Answer, Lord Henry Lennox April 14, [218] 541; Question, Mr. Wait; Answer, Mr. Disraeli April 30, 1409; Question, Major Beaumont; Answer, Lord Henry Lennox May 8, 1928
- National Portrait Gallery—Landseer's Portrait of Sir Walter Scott*, Observations, The Chancellor of the Exchequer May 15, [219] 312 17th Report . . . P.P. 161
- New Law Courts*, Question, Mr. Freshfield; Answer, Lord Henry Lennox July 9, [220] 1349;—*The Contract*, Question, Mr. Gregory; Answer, Lord Henry Lennox Mar 27, [218] 345; Question, Mr. Wait; Answer, Lord Henry Lennox April 16, 628
- New Palace of Westminster*
- Frescoes in the House of Lords*, Question, Mr. Hankey; Answer, Lord Henry Lennox June 29, [220] 805
- The Abbey and Palace at Westminster*, Question, Mr. W. M. Torrens; Answer, Lord Henry Lennox May 4, [218] 1591
- The Clock Tower*, Question, Mr. W. M. Torrens; Answer, Lord Henry Lennox June 25, [220] 418
- The Water-Glass Pictures*, Question, Mr. Errington; Answer, Lord Henry Lennox August 7, [221] 1423
- Playgrounds for Children*, Question, Sir Frederick Perkins; Answer, Mr. Assheton Cross May 14, [219] 288

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- Plumstead Common*, Question, Sir Charles W. Dilke; Answer, Mr. Gathorne Hardy August 3, [221] 1144
- Raphael's Cartoons—Opening of Public Museums on Sundays*, Question, Sir Charles W. Dilke; Answer, Viscount Sandon May 14, [219] 266
- Regent's Canal*, Question, Mr. Forsyth; Answer, Mr. Solater-Booth August 3, [221] 1146
- South Kensington and Bethnal Green Museums*, Question, Mr. Ritchie; Answer, Lord Henry Lennox April 14, [218] 542; Question, Mr. J. Holms; Answer, Viscount Sandon June 8, [219] 1162
- South Kensington—Science and Art Department*, Question, Mr. Mundella; Answer, Viscount Sandon June 15, [219] 1586
- Street Traffic Arrangements*
- Grosvenor Place*, Question, Mr. Adam; Answer, Lord Henry Lennox June 8, [219] 1154
- Hamilton Place and Hyde Park Corner*, Question, Mr. Goldsmid; Answer, Lord Henry Lennox; Observations, Mr. Adam; Reply, Colonel Hogg Mar 27, [218] 347; Question, Mr. Goldsmid; Answer, Lord Henry Lennox July 6, [220] 1081; Questions, Mr. W. Gordon, Sir James Hogg; Answers, Lord Henry Lennox August 3, [221] 1147
- The Knightsbridge Barracks*, Question, Lord Ernest Bruce; Answer, Lord Henry Lennox August 7, [221] 1422
- The Colonnade of Burlington House*, Question, Mr. Beresford Hope; Answer, Lord Henry Lennox August 5, [221] 1333
- The New Public Offices*
- Parliament Street*, Question, Mr. Goldsmid; Answer, Lord Henry Lennox Mar 27, [218] 344; Question, Observations, Lord Redesdale; Reply, The Duke of Richmond May 22, [219] 681
- Purchase of Sites*, Question, Mr. Coope; Answer, Mr. Disraeli June 26, [220] 510; Question, Mr. Goldsmid; Answer, Lord Henry Lennox July 6, 1080
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- The Parks*
- Hampton Court Park*, Question, Mr. Dillwyn; Answer, Lord Henry Lennox April 24, [218] 1097
- Hyde Park and Kensington Gardens*, Question, Mr. Thompson; Answer, Lord Henry Lennox April 20, [218] 818
- Hyde Park, Shelter for Riders in*, Question, Mr. Adam; Answer, Lord Henry Lennox June 8, [219] 1155
- Victoria Park—Bathing Accommodation*, Question, Mr. Ritchie; Answer, Lord Henry Lennox July 6, [220] 1060;—*Salvage of Building Land*, Question, Mr. Samuda; Answer, Mr. W. H. Smith April 14, [218] 541; April 21, 928
- The Vacant Land in Abingdon Street*, Question, Sir Charles Russell; Answer, Lord Henry Lennox April 20, [218] 814
- Wormwood Scrubs*, Question, Sir Charles W. Dilke; Answer, Mr. Gathorne Hardy Mar 23, [218] 230; Question, Sir Charles W. Dilke; Answer, Colonel Hogg April 16, 629



**Metropolis Local Management Acts Amendment Bill**

(*Mr. Boord, Mr. Mills, Mr. Coope, Mr. Gordon*)

c. Ordered; read 1<sup>o</sup> May 21 [Bill 123]  
2R. dropped

**Metropolis Water Supply and Fire Prevention Bill** (*Colonel Beresford, Sir Charles Russell, Mr. Forsyth, Mr. Ritchie*)

c. Ordered; read 1<sup>o</sup> Mar 31 [Bill 64]  
Standing Orders not complied with

**Metropolitan Board of Works**

*Hamilton Place and Hyde Park Corner*, Question, Mr. Goldsmid; Answer, Lord Henry Lennox; Observations, Mr. Adam; Reply, Colonel Hogg Mar 27, [218] 327

*New Street between Gracechurch Street and Fenchurch Street*, Question, Sir Henry Peek; Answer, Sir James Hogg July 9, [220] 1349

*Sewers at the West End*, Question, Lord Claud John Hamilton; Answer, Colonel Hogg Mar 30, [218] 407; Question, Sir Charles Russell; Answer, Colonel Hogg May 7, 1839

*Thames Embankment*, Question, Mr. Forsyth; Answer, Mr. W. H. Smith April 16, [218] 631;—*Access from the Strand*, Question, Sir George Jenkinson; Answer, Colonel Hogg April 16, [218] 632

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*Wormwood Scrubs*, Question, Sir Charles W. Dilke; Answer, Colonel Hogg April 16, [218] 629

**Metropolitan Board of Works Bill (by Order)**

c. Moved, "That the Bill be now read 2<sup>o</sup>" (*Colonel Hogg*) Mar 30, [218] 309

After short debate, Amendt. to leave out "now," and add "upon this day six months" (*Mr. W. M. Torrens*); after further short debate, Question, "That 'now,' &c.," put, and agreed to; main Question put, and agreed to; Bill read 2<sup>o</sup>

**Metropolitan Buildings and Management Bill**

(*Colonel Hogg, Mr. Grantham, Sir Henry Wolf*)

c. Ordered; read 1<sup>o</sup> Mar 20 [Bill 3]  
Read 2<sup>o</sup>, after short debate, and committed to a Select Committee April 29, [218] 1344

And, on May 7, Committee nominated as follows:—Sir Seymour Fitzgerald (Chairman) (added by the Committee of Selection); Mr. Cawley, Mr. Grantham, Sir James Hogg, Sir James Lawrence, Mr. Locke, and Mr. Samuda; Mr. Baillie Cochrane, Mr. Goldsmid, Lord Richard Grosvenor, and Mr. Walter added by the Committee of Selection

Report of Select Committee July 14 (*Parl. P. No. 235*)

Bill reported \* July 14

**Metropolitan Police—Ex-Constable Goodchild**

Question, Sir Charles W. Dilke; Answer, Mr. Assheton Cross April 16, [218] 625

**Metropolitan Police Magistrates, Salaries of**

Questions, Mr. Coope, Mr. Forsyth; Answers, Mr. Assheton Cross May 15, [219] 310

**Mexico, Diplomatic Relations with**

Question, Mr. Anderson; Answer, Mr. Bourke May 7, [218] 1838

**Middlesex Sessions [Salaries, &c.] Bill**

(*Mr. Raikes, Mr. Secretary Cross, Sir Henry Selwin-Ibbetson*)

c. Considered in Committee \* Mar 21  
Bill ordered; read 1<sup>o</sup> Mar 23 [Bill 29]

Read 2<sup>o</sup> Mar 26, [218] 340

Committee \*; Report Mar 27

Considered \* Mar 30

Read 3<sup>o</sup> Mar 31

l. Read 1<sup>o</sup> \* (*The Lord Steward*) April 14

Read 2<sup>a</sup> April 16, 622 (No. 22)

Committee \*; Report April 23

Read 3<sup>a</sup> April 24

Royal Assent May 21 [37 Vict. c. 7]

**MIDDLETON, Viscount**

Army—Militia Recruiting, Address for Returns, [218] 224

Infants Contracts, 2R. [219] 1225; Comm. 1668

Railway Accidents, Motion for Papers, [218] 261

**Militia Law Amendment Bill**

(*Mr. Secretary Hardy, The Judge Advocate, Mr. Stanley*)

c. Ordered; read 1<sup>o</sup> June 2 [Bill 130]

Read 2<sup>o</sup> June 8

Committee \*; Report June 11

Read 3<sup>o</sup> June 12

l. Read 1<sup>a</sup> \* (*The Earl of Pembroke and Montgomery*) June 15 (No. 110)

Read 2<sup>a</sup> June 25

Committee \*; Report June 26

Read 3<sup>a</sup> June 29

Royal Assent June 30 [37 & 33 Vict. c. 29]

**MILLS, Sir C. H., Kent, W.**

India, Finance of—Borrowing Powers, [218] 985

**MILLS, Mr. A., Exeter**

Army Organization Act—Depôt Centre at Exeter, [220] 424

Gold Coast, Crown Colony on the, [220] 996

Intoxicating Liquors, Consid. cl. 26, [219] 1711

Municipal Corporations Borough Funds Act (1872), [219] 174

Permissive Prohibitory Liquor, 2R. [220] 21

Public Worship Regulation, Comm. cl. 8, [221] 259; cl. 9, 877

Tramways Provisional Orders Confirmation, Comm. Schedule 1, [221] 703

Ways and Means—Income Tax—Appeals against Surcharges, [218] 989

West African Settlements, Res. Motion for Adjournment, [218] 1225, 1593

*Mines—Reports of the Inspectors (1873)*  
Question, Mr. Macdonald; Answer, Mr. Assheton Cross April 27, [218] 1177; Question, Mr. Macdonald; Answer, Sir Henry Selwin-Ibbetson July 18, [221] 127

*Mint, The Royal*

*Coinage of Half-Crowns and Florins*, Question, Mr. Heygate; Answer, The Chancellor of the Exchequer Mar 24, [218] 268

*New Silver Coinage*, Question, Sir Charles Russell; Answer, The Chancellor of the Exchequer June 19, [220] 159

Fourth Report . . . . [1016]

*Monastic and Conventual Institutions*

Postponement of Motion, Mr. Newdegate May 22, [219] 698;—*Return from Foreign Countries*, Question, Sir George Bowyer; Answer, Mr. Newdegate June 1, 1852; Motion for a Return, Mr. Newdegate June 9, 1298 [House counted out]

*Monastic and Conventual Institutions*

Amendt. on Committee of Supply June 12, To leave out from "That," and add "it is expedient that Her Majesty's Ministers should introduce a Bill appointing Commissioners to inquire as to Monastic and Conventual Institutions in Great Britain" (*Mr. Newdegate*) v., 1498; Question proposed, "That the words, &c.;" after debate, Question put; A. 237, N. 94; M. 143

Question, Sir John Kennaway; Answer, Mr. Bourke July 20, [221] 298

*Monastic and Conventual Institutions*

Amendt. on Committee of Ways and Means July 27, To leave out from "That," and add "an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House, Copies and Translations of any Laws, Ordinances, or Regulations relating to Monastic and Conventual Institutions connected with the Church of Rome, and to the inmates or members thereof, especially to the regular Orders of the Church of Rome, which may be enforced by the authority of the State, and are at present operative in France, in the German Empire, in the Austro-Hungarian Empire, in the Russian Empire, in Italy, in Sweden and Norway, in Belgium, in Spain, in Portugal, and in Switzerland" (*Mr. Newdegate*) v., [221] 830; Question proposed, "That the words proposed to be left out stand part of the Question;" Question put, and negatived

Question proposed, "That those words be there added"

After short debate, Amendt. proposed to the said proposed Amendt., by adding at the end thereof "and in the United States of America and in the Dominion of Canada" (*Mr. Errington*); Question, "That those words be there added," put, and agreed to

Amendt. proposed, after the word "Canada," to add "and in the Empire of Brazil" (*Mr. Newdegate*); Question, "That those words be there added," put, and agreed to; main Question, as amended, put, and agreed to

[cont.]

*Monastic and Conventual Institutions—cont.*

Resolved, That an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House, Copies and Translations of any Laws, Ordinances, or Regulations relating to Monastic and Conventual Institutions connected with the Church of Rome, and to the inmates or members thereof, especially to the regular Orders of the Church of Rome, which may be enforced by the authority of the State, and are at present operative in France, in the German Empire, in the Austro-Hungarian Empire, in the Russian Empire, in Italy, in Sweden and Norway, in Belgium, in Spain, in Portugal, in Switzerland, in the United States of America, in the Dominion of Canada, and in the Empire of Brazil

*Monastic and Conventual Institutions Bill*

(*Mr. Newdegate, Sir Thomas Chambers, Mr. Holt*)

c. Ordered; read 1<sup>o</sup> Mar 24 [Bill 38]

Question, Mr. Callan; Answer, Mr. Newdegate April 24, [218] 1097

Order for 2R. postponed May 1, 1863

Questions, Mr. Newdegate; Answers, Mr.

Bourke, Sir Colman O'Loughlin May 7, 1843

Bill withdrawn \* June 9

*MONCK, Viscount*

Irish Church Temporalities Commission — Church Funds, [219] 602, 612

*MONCKTON, Hon. G. E. M., Nottinghamshire, N.*

Criminal Law Amendment Act (1871) Repeal, 2R. [220] 1324

Public Worship Regulation (Consolidated Fund, &c.), Comm. [221] 914

Valuation of Property, Comm. cl. 3, Amendt. [220] 649; cl. 6, Amendt. 668

*MONCKTON, Mr. F., Staffordshire, W.*

Army—Adjutants of Yeomanry, [221] 488

*MONCREIFF, Lord*

Judicature and Appeal (Scotland and Ireland), 1R. [218] 1826

Supreme Court of Judicature Act (1873) Amendment, 2R. [219] 1047; Comm. 1375

*MONK, Mr. C. J., Gloucester City*

Archbishops and Bishops (Appointment and Consecration), Leave, [218] 478

Board of Trade Arbitrations, Inquiries, &c. Comm. add. cl. [219] 453

Church Patronage (Scotland), 2R. [220] 1185

Churchwardens, 2R. [218] 706, 707

Clergy, "First Fruits" and "Tithes" of the, [220] 1500; [221] 1422

Harbour of Colombo (Loan), Comm. cl. 3, [219] 302

Intoxicating Liquors, Consid. cl. 26, [219] 1715

Magistrates (Ireland) and Commissioners of

Dublin Police Salaries, Comm. [219] 796

Parliament—Business of the House, [221] 714

Morning Sitzings, [220] 159

[cont.]

MONK, Mr. C. J.—*cont.*

Parliamentary Elections Act (1868)—Stroud Election Petitions, [220] 1224  
Post Office—Letters, Registration of, [218] 233  
220] Public Worship Regulation, 2R. 1443  
221] Comm. Amendt. 221; *cl.* 6, Amendt. 233;  
• *cl.* 7, 237; Amendt. 240; *cl.* 8, 258;  
• Amendt. 276; *cl.* 13, 890; *cl.* 15, Amendt.  
• 891; *cl.* 18, Amendt. *ib.*; *Consid.* *cl.* 7,  
• 1056; *cl.* 9, 1093  
Queen Anne's Bounty, Res. [221] 1380  
Revenue Officers Disabilities, 2R. [218] 958,  
962, 1262; Comm. *cl.* 1, [219] 800  
Supply—British Embassy Houses, [218] 1144  
Charity Commission, [218] 770  
House of Commons Offices, [218] 764  
House of Lords, Offices of the, [218] 762  
Public Buildings (Ireland), [218] 1144  
Revenue Departments, [218] 194  
Salaries of the Officers, &c. of the House-  
hold of the Lord Lieutenant of Ireland,  
[219] 344  
Superannuation Allowances, [219] 794

MONTAGU, Right Hon. Lord R., *West-*  
*meath*

Income Tax, Res. [218] 247  
Ireland—"Coercive Legislation," [218] 543,  
544  
Irish Railways, Acquisition and Control of,  
Res. [218] 1310  
Parliament—Address in Answer to the Speech,  
[218] 137

MONTEAGLE OF BRANDON, Lord

Education—Effect of School Life on the Sight,  
[220] 868, 869

MONTGOMERY, Sir G. G., *Peeblesshire*

Church Patronage (Scotland), 2R. [220] 1138,  
1581  
Church Rates Abolition (Scotland), 2R. [220]  
1308  
Supreme Court of Judicature Act (1873)  
Amendment, Comm. *cl.* 12, [221] 171

MOORE, Mr. A. J., *Clonmel*

Ireland—Miscellaneous Questions  
Licensing Act (1872), [219] 751  
Magistracy — County of Tipperary, [220]  
421  
Salaries of Resident Magistrates, [219] 482  
Union Boundaries in, [220] 76  
University Education, [218] 1097

MORGAN, Mr. G. Osborne, *Denbighshire*

Endowed Schools Acts Amendment, Comm.  
*cl.* 1, [221] 686  
Intoxicating Liquors, 2R. [219] 131; Comm.  
*cl.* 2, 1066; *add. cl.* 1199  
Juries, Comm. *cl.* 5, [219] 286; *cl.* 77, 805  
Land Titles and Transfer, 2R. [220] 1245  
Parliament—Business of the House (Opposed  
Business), Res. Amendt. [218] 274, 285  
Public Worship Regulation, Comm. *cl.* 7, [221]  
237  
Shrewsbury School—Excessive Punishment,  
[221] 1037

MORGAN, Mr. G. Osborne—*cont.*

Supreme Court of Judicature Act (1873)  
Amendment, Comm. [221] 141; *cl.* 2, 158;  
*cl.* 9, 165  
Supreme Court of Judicature Act (1873) Sus-  
pension, 2R. [221] 1041  
Welsh County Court Judges, [220] 524

MORLEY, Earl of

Betting, 2R. [218] 1807  
Intoxicating Liquors, Comm. *cl.* 3, Amendt.  
[220] 1202, 1206  
Railways, Ireland — Guarantees from County  
Rates, [218] 1400  
Wild Birds Law Amendment, 2R. [220] 288

MORLEY, Mr. S., *Bristol*

Endowed Schools Acts Amendment, Comm.  
*cl.* 4, [221] 601  
Married Women's Property Act (1870) Amend-  
ment, 2R. [218] 607, 614

MORRIS, Mr. G., *Galway*

Army—Galway New Barracks, [218] 267  
Irish Fisheries, Res. [218] 1515  
Parliament—Galway New Writ, [220] 168, 169

MOWBRAY, Right Hon. J. R., *Oxford*  
*University*

Army—Military Centres—Oxford, Motion for  
a Committee, [219] 720  
Churchwardens, 2R. [218] 707  
Hertford College (Oxford), [219] 481; Comm.  
[220] 1053  
Parliament—Order of Business, [221] 10  
Parliament—Business of the House (Opposed  
Business), Res. [218] 233  
Public Worship Regulation, 2R. [220] 1406,  
1410; Comm. [221] 227; *cl.* 7, 242, 249;  
*cl.* 19, 897; *Consid. cl.* 7, 1060

MULHOLLAND, Mr. J., *Downpatrick*

Factories (Health of Women, &c.), Comm.  
[220] 311; *cl.* 4, 319

MUNDELLA, Mr. A. J., *Sheffield*

Adulteration Act, [218] 345, 627  
Board of Trade Arbitrations, Inquiries, &c.  
Comm. *add. cl.* [219] 454  
Charity Commissioners, The New, [221] 761  
Criminal Law Amendment Act (1871) Repeal,  
Leave, [218] 286; 2R. [220] 1323, 1325  
Elementary Education (Compulsory Attend-  
ance), 2R. [220] 810, 811  
Endowed Schools Acts Amendment, Comm.  
[221] 357; *cl.* 1, 536, 537, 588; 3R. 979  
Endowed Schools Acts Amendment—Commis-  
sioners' Names, [221] 393  
Expiring Laws Continuance, Comm. [221] 1007  
Factories (Health of Women, &c.), 2R. [219]  
1463; Comm. [220] 311; *cl.* 3, 316; *cl.* 4,  
323, 325, 326; *cl.* 14, 330; *cl.* 15, 335  
Factory Acts Amendment, 2R. [218] 1740,  
1802  
Fiji Islands—Annexation, Res. [221] 1299  
Intoxicating Liquors, Comm. *cl.* 2, [219] 1100  
National Museums—Science Commission, Re-  
port of, [218] 289

[*cont.*

[*cont.*

**MUNDELLA, Mr. A. J.—cont.**

Parliament—Business of the House (Opposed Business), Res. [218] 282  
 Parliamentary Elections (Polling), 2R. [218] 303  
 Patent Museum, [221] 296  
 Post Office—Salaries, [221] 759  
 Science and Art Department—South Kensington, [219] 1586  
 Supply — Local Assessments — Relief of the Poor, [220] 478  
 Post Office Services, [219] 1655  
 Wenlock Elementary Education, 2R. [220] 286

**Municipal Boroughs (Auditors and Assessors) Bill**

(*Mr. Dodds, Mr. Pease, Mr. Richardson*)

c. Ordered; read 1° *Mar 27* [Bill 54]  
 Moved, "That the Bill be now read 2°"  
*May 20, [219] 592*  
 Amendt. to leave out "now," and add "upon this day six months" (*Mr. Pell*); Question proposed, "That 'now,' &c.;" after short debate, Debate adjourned  
 Adj. Debate on 2R. [Dropped]

**Municipal Corporations (Borough Funds)**

*Act, 1872—Legislation*

Question, Mr. A. Mills; Answer, Mr. Assheton  
 Cross *May 12, [219] 174; June 22, [220] 229*

**Municipal Corporations (Disposition of Penalties) Bill—Formerly**

**Fines, Fees, and Penalties Bill**

(*Mr. Serjeant Simon, Mr. Melly, Mr. Charley, Mr. Rathbone, Mr. Mellor, Mr. Gourley*)

c. Ordered; read 1° *Mar 30* [Bill 59]  
 Read 2°, after short debate *May 21, [219] 669*  
 Committee\*; Report, with new Short Title—Municipal Corporations (Disposition of Penalties) Bill] *June 1, 801*  
 Considered\* *June 2*  
 Bill withdrawn\* *June 18*

**Municipal Elections Bill**

(*Mr. Gourley, Mr. Whitwell, Sir Henry Havelock, Mr. Richardson*)

c. Ordered; read 1° *April 27* [Bill 84]  
 Read 2°, and referred to the Select Committee on Boroughs (Auditors and Assessors) *June 8*  
 Bill reported\*; re-committed *July 8* [Bill 198]  
 Re-committed [Dropped]

**Municipal Elections (Cumulative Vote) Bill**

(*Mr. Heygate, Mr. Morley, Mr. Fawcett, Mr. Wheelhouse*)

c. Ordered; read 1° *May 15* [Bill 113]  
 Bill withdrawn\* *July 9*

**Municipal Franchise (Ireland) Bill**

(*Mr. Butt, Sir John Gray, Mr. Bryan, Mr. P. J. Smyth*)

c. Ordered; read 1° *Mar 23* [Bill 34]  
 Moved, "That the Bill be now read 2°"  
*April 17, [218] 777*  
 Amendt. to leave out "now," and add "upon this day six months" (*Mr. Vance*); after short debate, Question put, "That 'now,' &c.;" A. 88, N. 126; M. 37  
 Words added; main Question, as amended, put, and agreed to; 2R. put off for six months

**Municipal Franchise (Ireland) (No 2) Bill**

(*Mr. Butt, Mr. O'Shaughnessy, Mr. Richard Power*)

c. Ordered; read 1° *June 5* [Bill 135]  
 Bill withdrawn\* *July 16*

**Municipal Privileges (Ireland) Bill**

(*Mr. Butt, Sir John Gray, Mr. Bryan, Mr. P. J. Smyth*)

c. Ordered; read 1° *Mar 23* [Bill 33]  
 2R. deferred, after short debate *Mar 26, [218] 341*

Read 2°, after debate *April 21, 945*  
 Order for Committee read; Moved, "That Mr. Speaker do now leave the Chair"  
*April 28, 1842*

Amendt. to leave out from "That," and add "the Bill be committed to a Select Committee" (*Sir Michael Hicks-Beach*) v. ; Question proposed, "That the words, &c.;" after short debate, Question put, and negatived

Words added; main Question, as amended, put, and agreed to; Bill committed to a Select Committee

And, on *May 5*, Committee nominated as follows:—Sir Michael Hicks-Beach (Chairman), Mr. Attorney General for Ireland, Mr. Butt, Mr. Goldney, Mr. Gregory, The Marquess of Hartington, Mr. Leeman, Mr. Charles Lewis, Sir Colman O'Loughlen, Mr. D. Plunket, and Mr. Power

Report of Select Committee *May 19*  
 (*Parl. P. No. 178*)

Report\*; Re-comm.—R.P. *May 19* [Bill 119]

Re-comm.\*—R.P. *May 22*

Re-comm.\*—R.P. *June 1*

Committee (on re-comm.) *June 18, [220] 128*

Moved, "That the Chairman do report Progress, and ask leave to sit again" (*Mr. Verner*); after short debate, Question put; A. 75, N. 47; M. 28; Committee—R.P.

Committee\*; Report *June 19*

Read 3°\* *June 22*

l. Read 1°\* (*Lord O'Hagan*) *June 23* (No. 132)  
 Moved, "That the Bill be now read 2°"  
*July 16, [221] 89*

Amendt. to leave out ("now," and insert ("this day three months") (*The Earl of Belmore*); after short debate, on Question, That ("now,") &c.; Cont. 46, Not-Cont. 56; M. 10; resolved in the negative; and Bill to be read 2° this day three months  
 Div. List, Cont. and Not-Cont., 108

**MUNTZ, Mr. P. H., Birmingham**

Army—Sword Bayonet, [220] 608  
 Canada, Dominion of—Coasting Trade with the United States, [220] 1350  
 Chili—Arrest of a British Subject, [219] 311  
 Endowed Schools Acts Amendment, Comm. cl. 4, [221] 805  
 Game Laws (Scotland), 2R. [218] 1388  
 Intoxicating Liquors, Consid. cl. 26, [219] 1718; Amendt. 1727  
 Navy Estimates—Wages, &c. for Seamen and Marines, [218] 857  
 Parliament—Order of Public Business, [221] 4  
 Post Office—East India, China, and Japan Mail Contract, Res. [221] 1324  
 Public Worship Regulation (Consolidated Fund, &c.), Comm. [221] 914  
 Registration of Births and Deaths, Consid. [221] 835  
 Valuation of Property, Comm. cl. 4, [220] 666; add. cl. 672  
 Ways and Means—Financial Statement, Res. 3, [218] 696  
 West African Settlements, Res. [218] 1640

**MURE, Colonel W., Renfrew**

"Alabama," The—Compensation for British Property, Res. [219] 862  
 Church Patronage (Scotland), 2R. [220] 1583; Comm. cl. 3, [221] 693, 700; cl. 5, 840  
 Factories (Health of Women, &c.), 2R. [219] 1452; Comm. add. cl. [220] 337  
 Protection of Women and Children, [219] 1588  
 Supreme Court of Judicature Act (1873) Amendment, Comm. cl. 12, [221] 172

**Mutiny Bill (Mr. Raikes, Mr. Secretary Hardy, The Judge Advocate)**

c. Ordered; read 1<sup>o</sup> Mar 31  
 Read 2<sup>o</sup> April 13  
 Committee: Report April 16, [218] 700  
 Considered April 17  
 Read 3<sup>o</sup> April 20  
 l. Read 1<sup>o</sup> (The Earl of Pembroke and Montgomery) April 20  
 Read 2<sup>o</sup>; Committee negatived April 21  
 Read 3<sup>o</sup> April 23  
 Royal Assent April 24 [37 Vid. c. 4]

**NAGHTEN, Mr. A. R., Winchester**

Army—Adjutants of Militia, [218] 815  
 Army Rank, [220] 1351  
 Cunningham Training Gear for Large Guns, [219] 1402  
 Militia Fines, [218] 349  
 Army Estimates—Militia Pay and Allowances, [218] 528  
 Intoxicating Liquors, Comm. cl. 8, Amendt. [219] 1109  
 Post Office—Sorting Offices, [219] 1497

**NAPIER AND ETRICK, Lord**

Afghanistan, [218] 1906  
 Army—Boxer-Sirapuel Shell, The, [219] 1493, 1494, 1495  
 Church Patronage (Scotland), 2R. [219] 430; Comm. cl. 3, 1256; Amendt. 1257  
 India—Bengal Famine, Address for Papers, [218] 1066

**NAPIER AND ETRICK, Lord—cont.**

India Councils, Comm. [219] 1263; cl. 1, 1264  
 Metropolis—Dwellings for the Poor, Withdrawal of Notice, [219] 1  
 Metropolis, Poor in the, Motion for Papers, [218] 983  
 Railways, Ireland—Guarantees from County Rates, [218] 1405  
 Working Men's Dwellings, 2R. [220] 983

**Natal—The Recent Outbreak of Native Tribes**

Question, Mr. Edward Jenkins; Answer, Mr. J. Lowther Mar 24, [218] 266; Question, Mr. Knatchbull-Hugessen; Answer, Mr. J. Lowther July 31, [221] 1033  
 Papers relating to . . . [1026]

**National Debt, State of the**

Question, Mr. Cubitt; Answer, The Chancellor of the Exchequer April 27, [218] 1176

**National Museum—Report of the Science Commission**

Question, Mr. Walpole; Answer, Mr. Mundella Mar 24, [218] 269

**NAVY**

**MISCELLANEOUS QUESTIONS**

*Admiralty Administration*, Observations, Mr. Bentinck; short debate thereon May 18, [219] 426  
*Admiralty Surgeons—Medical Officers' List*, Question, Mr. Alderman W. McArthur; Answer, Mr. Hunt May 4, [218] 1586  
*Admission of Cadets*, Question, Observations, The Earl of Camperdown; Reply, The Earl of Malmesbury; short debate thereon June 12, [219] 1472; Question, Mr. Agg-Gardner; Answer, Mr. A. F. Egerton June 16, 1676  
 [See title *Navy—Naval Cadets*]

*Case of Admiral Wilmot*, Observations, Viscount Sidmouth; Reply, The Earl of Malmesbury July 10, [220] 1470; Question, Mr. Whalley; Answer, Mr. Hunt July 14, 1624; Question, Mr. Hardcastle; Answer, Mr. Hunt July 30, [221] 972

*H.M.S. "Aboukir,"* Question, Mr. Ernest Noel; Answer, Mr. Hunt June 18, [220] 72

*H.M.S. "Devastation,"* Question, Mr. Samuelson; Answer, Mr. Hunt April 28, [218] 1261

*H.M.S. "London,"* Question, Mr. Kinnaird; Answer, Mr. Algernon Egerton Mar 30, [218] 410

*H.M.S. "Narcissus" and "Endymion,"* Question, Mr. F. J. Reed; Answer, Mr. Hunt July 10, [220] 1475

*H.M.S. "Rubright,"* Question, Captain Bedford Pim; Answer, Mr. Hunt July 31, [221] 1031

*Naval Reserve*, Observations, Mr. T. Brassey; Reply, Mr. Hunt; debate thereon April 17, [218] 724

*Navigating Officers—Admiralty Circular, 1873*, Question, Mr. Haubury-Tracy; Answer, Mr. Hunt July 9, [220] 1246

*Parliamentary Elections—The Dockyards*, Question, Mr. Brand; Answer, Mr. Hunt July 31, [221] 1024

## NAVY—cont.

*Rear Admiral Randolph*, Question, Captain Bedford Pim; Answer, Mr. Hunt *July 20*, [221] 298

*Reserve Squadron*, Question, Lord Eslington; Answer, Mr. Hunt *June 11*, [219] 1404

*State of the Navy*, Observations, The Earl of Lauderdale; Reply, The Earl of Malmesbury; short debate thereon *Mar 23*, [218] 210

*The Dockyards*, Observations, Admiral Elliot; Reply, Mr. Hunt; debate thereon *April 20*, [218] 819

*The Indian Station*, Question, Mr. T. E. Smith; Answer, Lord George Hamilton *April 16*, [218] 630

*Trial of Anchors*, Question, Mr. G. Bentinck; Answer, Mr. Hunt *Mar 31*, [218] 484

*Whitworth Ordnance Trials*, Question, Admiral Egerton; Answer, Mr. Hunt *June 18*, [220] 70

*Works at Haulbowline*, Observations, Mr. Ronayne; Reply, Sir Massey Lopes; short debate thereon *June 25*, [220] 441

## NAVY—Case of Commander Cheyne

Amendt. on Committee of Supply *July 27*, To leave out from "That," and add "this House will, upon Monday next, resolve itself into a Committee to consider of an humble Address to Her Majesty, praying Her Majesty that She will be graciously pleased to direct that the Pension of £200 a-year awarded to John Powles Cheyne, Commander, R.N., be paid to him, in addition to his retired pay, without deduction, for the term of his natural life; and to assure Her Majesty that this House will make good the same" (*Sir John Hay*) v., [221] 764; Question proposed, "That the words, &c.;" after short debate, Amendt. withdrawn

## NAVY—Construction of Iron-clads

Question, Sir Edward Watkin; Answer, Mr. Hunt *May 14*, [219] 270

Amendt. on Committee of Supply *May 18*, To leave out from "That," and add "the mode of construction (assumed to have been introduced by the late Chief Constructor of the Navy) adopted in the 'Captain' and other ironclads, viz. deep empty spaces in the ships bottoms, and high centres of gravity, demands reconsideration on the part of the Admiralty" (*Sir Edward Watkin*) v., 399; Question proposed, "That the words, &c.;" after short debate, Question put, and agreed to

## NAVY—Naval Cadets

Moved to resolve, That upon the consideration of the Returns which have been laid upon the Table of this House of "the regulations in force on board Her Majesty's ship *Britannia* in respect to the summer and winter routine and the course of study prescribed for naval cadets," also of "the examination papers issued for the examination of candidates for naval cadetships, and of naval cadets at the end of their first, second, third, and last term for the year 1873," it is the

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## NAVY—Naval Cadets—cont.

opinion of the House that an inquiry ought to be instituted as to the course of study prescribed for naval cadets, and as to the character of the post-terminal examinations, with the view of ascertaining whether the system has been found by experience to work satisfactorily in training up young officers to fit them in every respect for our naval service (*The Lord Chelmsford*) *July 6*, [220] 1065; after short debate, Motion agreed to  
Naval Cadetships—Return, *l. P.P.* 87

## NAVY—Unarmoured and Iron-clad Ships

Postponement of Motion, Sir John Hay *April 20*, [218] 818

Amendt. on Committee of Supply *May 7*, To leave out from "That," and add "in the opinion of this House, it is undesirable to incur expense to build Unarmoured Ships of a speed of less than ten knots, and that it is expedient that the money appropriated to their construction be applied to the necessary repairs of the Ironclad Ships of the Navy" (*Sir John Hay*) v., 1846; Question proposed, "That the words, &c.;" after debate, Amendt. withdrawn

## NELSON, Earl

Courts (Straits Settlements), Commons Amends.

Consid. [221] 178

Education Department, [220] 602

Intoxicating; Liquors, Comm. cl. 5, Amendt. [220] 1209

[218] Public Worship Regulation, 1R. 802, 1921

[219] 2R. 35; Comm. 947; Re-comm. cl. 8, 1122,

. 1123; Amendt. 1124, 1125; Amendt. 1128;

. cl. 9, 1144, 1264

[220] Report, cl. 7, Amendt. 142; cl. 8, Amendt.

. 143; Amendt. 146; cl. 11, Amendt. 147;

. cl. 12, Amendt. *ib.*; 3R. 397

## NEVILL, Mr. C. W., Carmarthen, &amp;c.

Endowed Schools Acts Amendment, Comm. [221] 425

## NEVILLE-GRENVILLE, Mr. R., Somersetshire, Mid

Endowed Schools Acts Amendment, 2R. [220] 1685; Comm. cl. 1, [221] 502, 507; cl. 4, 605; Preamble, 651

Household Franchise (Counties), 2R. [219] 240

Metropolis—Dwellings of Working People, Res. [218] 1980

Municipal Privileges (Ireland), 2R. [218] 950

Nuisances Prevention Act—Inspectors of Nuisances—The Police, [218] 1408

Public Worship Regulation, Comm. cl. 6, [221] 233; cl. 7, 239

Supply—Charity Commission, [218] 770

Parks and Pleasure Gardens, [218] 1133

## NEWDEGATE, Mr. C. N., Warwickshire, N.

Endowed Schools Acts Amendment, 2R. [220] 1656; Comm. [221] 328; cl. 4, 600

Expiring Laws Continuance, Comm. Schedule, [221] 1023, 1024; Schedule 2, 1026

Household Franchise (Counties), 2R. [219] 223

Intoxicating Liquors, Comm. cl. 2, [219] 1084; cl. 12, 1171

[cont.

**NEWDEGATE, Mr. C. N.—cont.**

Ireland—"Coercive Legislation," [218] 544  
 Ireland—National Education Commissioners—  
 Callan Schools, Res. [219] 918  
 Monastic and Conventual Institutions, [218]  
 1097, 1842, 1843; [219] 698, 752, 1053,  
 1298; Res. 1498, 1508, 1519; Motion for  
 an Address, [221] 830, 833; Amendt. 834  
 Parliament—Miscellaneous Questions  
 Address in Answer to the Speech, [218] 125  
 Business of the House, [218] 109, 1497  
 Count out, The late, [219] 1299, 1301  
 Public Business, [219] 703; [221] 632  
 Whitsuntide Recess, [218] 1411  
 Parliament—Business of the House, Res. [219]  
 1409  
 Parliament—Business of the House (Opposed  
 Business), Res. [218] 277, 279  
 Parliament—Salaries and Emoluments of the  
 Officers of the Two Houses of, Motion for a  
 Committee, [219] 188  
 Public Worship Regulation, 2R. [220] 1441,  
 1476; Comm. [221] 215; *cl.* 7, 245; *cl.* 8,  
 259; *cl.* 9, 876, 879; *cl.* 19, 899; *add. cl.*  
 905; *Consid. cl.* 6, 1052; *cl.* 7, 1057; *cl.* 9,  
 1094; 3R. 1167; Lords Reasons *Consid.*  
 1366  
 Vaccination Act, 1871, Amendment, 2R. [221]  
 836

**Newfoundland**

*Fisheries*, Postponement of Notice, Sir John  
 Hay June 4, [219] 965  
*Telegraph Monopoly*, Question, Mr. E. Jen-  
 kins; Answer, Mr. J. Lowther May 21,  
 [219] 622

**New Mint Building Site Bill**

(*Lord Henry Lennox, Mr. Chancellor of the  
 Exchequer*)

*c.* Ordered; read 1<sup>o</sup> and referred to the Exa-  
 miners of Petitions for Private Bills June 19  
 [Bill 162]

Moved, "That the Bill be now read 2<sup>o</sup>"  
 July 7, [220] 1270

After short debate, Moved, "That the Debate  
 be now adjourned" (*Mr. Anderson*); Ques-  
 tion put; A. 17, N. 41; M. 24

Original Question put, and agreed to; Bill  
 read 2<sup>o</sup>, and committed to a Select Com-  
 mittee

**NEWPORT, Viscount, Shropshire, N.**

Ways and Means, Report, [218] 1198

**NOEL, Mr. E., Dumfries, &c.**

Church Patronage (Scotland), 2R. [220] 1183;  
 Comm. *cl.* 3, [221] 693, 699  
 Household Franchise (Counties), 2R. [219] 235  
 Intoxicating Liquors (Ireland) (No. 2), Comm.  
*cl.* 11, [220] 342  
 Navy—H.M.S. "Aboukir," [220] 72  
 Valuation of Property—Rating of Mines, [219]  
 1156

**NOLAN, Captain J. P., Galway Co.**

Army—Muzzle-Loading Field Guns, [221] 298  
 Sergeants, Pay and Position of, [220] 539  
*Staff Officers*—Queen's Regulations, [218]  
 61

**NOLAN, Captain J. P.—cont.**

Army Estimates—Chelsea and Kilmainham  
 Hospitals, Amendt. [218] 536  
 Land Forces, [218] 476  
 Customs—Out-door Officers, Memorial of, [221]  
 391  
 Elementary Education — (Emoluments of  
 Teachers), Address for Returns, [218] 785  
 Expiring Laws Continuance, [220] 1521; 2R.  
 Amendt. [221] 721; Comm. 995; *cl.* 2,  
 1018; Schedule, Motion for reporting Pro-  
 gress, 1019, 1023; Schedule 2, 1026  
 Household Franchise (Counties), 2R. [219] 239  
 India—Bengal Famine, Res. [218] 938  
 Intoxicating Liquors, Leave, [218] 1254  
 Intoxicating Liquors (Ireland) (No. 2), Comm.  
*cl.* 10, [220] 214; *cl.* 16, Amendt. 1003; *add. cl.*  
 1052  
 Ireland—Miscellaneous Questions  
 Peace Preservation Act, [218] 411  
 Poor Law—Amalgamation of Unions, [218]  
 1177  
 Suck and Shannon, Drainage of, [220] 300  
 Teachers, Return of Emoluments of, [220]  
 1225  
 Valuation Acts, [219] 1406  
 Ireland—Controverted Elections—Mr. Justice  
 Lawson, Res. [218] 1901  
 Ireland—National School Teachers, Res. [219]  
 1298  
 Ireland—Railways—Local Guarantees, Res.  
 [219] 318  
 Lough Corrib Navigation, 2R. [221] 610  
 Navy—Haulbowline, Works at, [220] 444  
 Parliament—Address in Answer to the Speech,  
 [218] 146  
 Controverted Elections—English and Irish  
 Judgments, [220] 423  
 Parliamentary Relations (Great Britain and  
 Ireland)—Home Rule, Motion for a Com-  
 mittee, [220] 928, 963  
 Post Office—Mayo, Postal Facilities in, [218] 1131  
 Ways and Means—Gun Licence Act, [218] 1062

**NORTH, Lieut-Colonel J. S., Oxfordshire**

Army—Militia—Fines for Drunkenness, [221]  
 302  
 Officers on Foreign Service, [220] 871  
 Army—Military Centres—Oxford, Motion for a  
 Committee, [219] 721, 722  
 Army Reserves, Res. [218] 503, 504, 505  
 Army Estimates—Divine Service, [218] 526  
 Medical Establishments, &c. [218] 527  
 Military Law, Administration of, [218] 526  
 Works, Buildings, &c. [218] 534  
 Ashantee War—Vote of Thanks to the Forces,  
 [218] 430

**NORTHCOTE, Right Hon. Sir S. H.  
 (see Chancellor of the Exchequer)**

**NORWOOD, Mr. C. M., Kingston-upon-  
 Hull**

Board of Trade (Marine Department), [218] 1698  
 Intoxicating Liquors, Comm. [219] 1002; *cl.* 2,  
 1022, 1029, 1093, 1094  
 Merchant Shipping Survey, 2R. [220] 372, 373  
 Merchant Ships (Measurement of Tonnage),  
 2R. [219] 1223  
 Metropolitan Buildings and Management, 2R.  
 [218] 1350

[cont.]

[cont.]

Norwood, Mr. C. M.—*cont.*

Municipal Boroughs (Auditors and Assessors), 2R. [219] 596  
Navy—Naval Reserve, [218] 745  
Revenue Officers Disabilities, 2R. [218] 963  
Supply—Board of Trade, [218] 768

*Nuisances Prevention Act—Inspectors of Nuisances—The Police*

Question, Mr. Neville-Grenville; Answer, Mr. Assheton Cross April 30, [218] 1408

O'BRIEN, Sir P., *King's Co.*

Customs—Promotion of Officers, [220] 155  
East India Finance, Comm. [218] 1490  
Excise—Whiskey, Adulteration of, [220] 599  
Expiring Laws Continuance, 2R. [221] 732; Comm. Schedule, 1021  
Gold Coast, Slavery on the, Res. [220] 633  
India—Indian (Hindus and Mahomedans) Appointments, [219] 1585  
Intoxicating Liquors (Ireland) (No. 2), Comm. cl. 11, [220] 342  
Maclean, Late Governor—Despatches of, [219] 1162  
Parliamentary Relations (Great Britain and Ireland)—Home Rule, Motion for a Committee, [220] 965  
Peace Preservation (Ireland) Act—"Flag of Ireland" Newspaper, [218] 1553, 1554  
Peace Preservation (Ireland) Act—Case of Patrick Casey, Motion for Papers, [219] 198  
States of the Plate—Argentine Republic and Brazil, [220] 156

O'CALLAGHAN, Hon. W. F. O., *Tipperary Co.*

Ireland—Denominational Education, [218] 923

O'CLERY, Mr. K., *Wexford Co.*

Expiring Laws Continuance, 2R. [221] 738; Comm. 1005; Schedule, Motion for Adjournment, 1021  
Ireland—Oyster Beds off Wexford and Wicklow, [221] 1149  
Irish Fisheries Report (1873), [219] 852  
Parliamentary Relations (Great Britain and Ireland)—Home Rule, Comm. Res. [220] 763  
Rome—Alleged Disturbances, [221] 297  
Spain—Civil War—Recognition of Belligerent Rights, [218] 494  
The German Squadron, [221] 853

O'CONOR DON, The, *Roscommon Co.*

Court of Judicature (Ireland), 2R. [220] 1269  
Game Birds (Ireland), Comm. cl. 1, [218] 1338  
Intoxicating Liquors (Ireland) (No. 2), Comm. add. cl. [220] 1010, 1014  
Ireland—Dublin University, Res. [221] 1327  
Ireland—Intoxicating Liquors in, Sale of, on a Sunday, Res. [218] 2007, 2008  
Ireland—National Education Commissioners—Callan Schools, Res. [219] 884  
Ireland—Railways—Local Guarantees, Res. [219] 315, 328  
Parliamentary Relations (Great Britain and Ireland)—Home Rule, Motion for a Committee, [220] 918  
Valuation (Ireland) Act Amendment, 2R. [220] 292

O'CONOR, Mr. D. M., *Sligo Co.*

Ballot Act, [218] 374  
Contagious Diseases (Animals)—Report of Committee (1873), [220] 598  
Game Birds (Ireland), 2R. Amendt. [218] 616; Comm. cl. 1, 1338

O'DONNELL, Mr. F. H., *Galway*

India—Bengal Famine, [218] 483, 711; Res. 933, 941  
Telegraphic Correspondence, [218] 928  
Municipal Franchise (Ireland), 2R. [218] 784  
Suez Canal—International Commission, [218] 1408

O'DONOGHUE, The, *Tralee*

Expiring Laws Continuance, Comm. [221] 993  
Ireland—Magistracy, [221] 1412  
Trinity College, Dublin—Queen's Letter, The, [221] 872  
Ireland—Dublin University, [221] 761; Res. 1326  
Irish Land Act (1872)—Legislation, [219] 620  
Parliament—Address in Answer to the Speech, [218] 170  
Parliamentary Relations (Great Britain and Ireland)—Home Rule, Comm. Res. Motion for Adjournment, [220] 791; Motion for a Committee, 925, 928, 939, 940

*Offences against the Person Bill*

(Mr. Charley, Mr. Whitwell, Mr. Edward Davenport)

c. Ordered; read 1<sup>o</sup> \* Mar 20 [Bill 13]  
Read 2<sup>o</sup>, after debate April 13, [218] 538  
Order for Committee read, and discharged; Bill committed to a Select Committee April 27  
And, on April 29, Committee nominated as follows:—Mr. Stansfeld (Chairman), Mr. Attorney General (Sir R. Baggallay), Mr. Charley, Mr. H. T. Cole, Mr. Gregory, Mr. Alfred Marten, Sir Charles Mills, Mr. Mundella, Mr. Watney, Mr. Wheelhouse, Mr. Whitwell  
Bill reported \* May 11 [Bill 97]

O'GORMAN, Major P., *Waterford*

Church Patronage (Scotland), 2R. [220] 1185  
Expiring Laws Continuance, Comm. cl. 2, [221] 1016, 1025; Schedule 2, Motion for reporting Progress, 1026  
Intoxicating Liquors, Consid. cl. 27, [220] 128  
Ireland—Constabulary, The, [219] 71  
Derry Celebrations—Costs of Colonel Hillier, [219] 392; [220] 156  
Ireland—Intoxicating Liquors in, Sale of, on a Sunday, Res. [218] 2020  
Irish Railways, Acquisition and Control of, Res. [218] 1331  
Monastic and Conventual Institutions, Res. [219] 1524; Motion for an Address, [221] 834  
Royal Irish Constabulary and Dublin Metropolitan Police, Comm. cl. 2, Motion for reporting Progress, [221] 306, 307; cl. 4, Motion for reporting Progress, ib.



**O'HAGAN, Lord**

Civil Bill Courts (Ireland), 2R. [220] 1340  
 Court of Judicature (Ireland), 2R. [219] 461  
 Infanticide, Comm. [221] 849  
 Irish National Education—Schoolmasters and Schoolmistresses, Motion for a Return, [220] 981  
 Judicature and Appeal (Scotland and Ireland), 1R. [218] 1829  
 Land Titles and Transfer, 2R. [218] 982; Comm. 1870  
 Municipal Privileges (Ireland), 2R. [221] 90  
 Supreme Court of Judicature Act (1873) Amendment, 2R. [219] 1046; Comm. 1378

**O'LEARY, Dr. W. H., Drogheda**

Permissive Prohibitory Liquor, 2R. [220] 55

**O'LOGHLEN, Right Hon. Sir C. M., Clare Co.**

Controverted Elections (Ireland)—Mr. Justice Lawson, [218] 1581, 1582; Res. 1884  
 Court of Judicature (Ireland), 2R. [220] 1268  
 Intoxicating Liquors (Ireland) (No. 2), Comm. cl. 12, [220] 998  
 Judicature (Ireland), [218] 1495  
 Monastic and Conventual Institutions, [218] 1843  
 Parliament—Business of the House, Res. [219] 1410  
 Parliamentary Relations (Great Britain and Ireland)—Home Rule, Comm. Res. [220] 791, 944  
 Poor Law Guardians (Ireland), 2R. [220] 129  
 Supply—Government Prisons, &c. (Ireland), [219] 364  
 Legal Expenses, Ireland, [219] 366

**O'NEILL, Hon. E., Antrim**

Chancery Courts (Ireland)—Accountant General's Office, [220] 75

**ONSLOW, Mr. D. R., Guildford**

Customs and Inland Revenue, 3R. [219] 657  
 India—Bengal Famine, [218] 109  
 Intoxicating Liquors, Comm. cl. 2, [219] 1026, 1070  
 Ordnance Survey—Salaries of Civil Servants, [219] 394, 1269

**Opening of Museums, Libraries, &c., on Sunday**

*Raphael's Cartoons*, Question, Sir Charles W. Dilke; Answer, Viscount Sandon May 14, [219] 266

Moved, "That, in the opinion of this House, it is desirable to give greater facilities for recreation of a moral and intellectual character by permitting the opening of Museums, Libraries, and similar institutions on Sunday" (*Mr. P. A. Taylor*) May 19, 482

Amend. to leave out from "That," and add "this House, while of opinion that all possible facilities should be afforded for the moral and intellectual recreation of the people by opening Museums, Libraries, and similar institutions on week-days, and where safe and practicable, on week-day evenings, considers it undesirable that any change should be made

[cont.]

**Opening of Museums, Libraries, &c., on Sunday—cont.**

in the existing arrangements for closing them on Sundays" (*Mr. Allen*) v.; Question proposed, "That the words, &c.;" after debate, Question put; A. 68, N. 271; M. 203; words added; main Question, as amended, put, and agreed to

**Open Spaces (Metropolis Bill)**

(*Mr. Whalley, Sir George Bowyer*)

c. Ordered; read 1<sup>o</sup> July 24 [Bill 230]  
 Moved, "That the Bill be now read 2<sup>o</sup>" (*Sir William Fraser*) August 5, [221] 1372  
 Amend. to leave out "now," and add "upon this day month" (*Mr. Secretary Cross*); Question proposed, "That 'now,' &c.;" after short debate, Question put, and negatived  
 Words added; main Question, as amended, put, and agreed to; 2R. put off for one month

**ORANMORE AND BROWNE, Lord**

Public Worship Regulation, Comm. [219] 951; Re-comm. cl. 8, 1126, 1127, 1128  
 Railways, Ireland—Guarantees from County Rates, [218] 1404

**Ordnance Survey**

*Hertfordshire*, Question, Mr. A. Smith; Answer, Lord Henry Lennox May 8, [218] 1926  
*Merioneth*, Question, Mr. Holland; Answer, Lord Henry Lennox May 4, [218] 1587; July 20, [221] 299  
*North Wales*, Question, Mr. Morgan Lloyd; Answer, Lord Henry Lennox June 2, [219] 852  
*Salaries of Employes of the Ordnance Survey*, Question, Mr. Onslow; Answer, Lord Henry Lennox May 18, [219] 394  
*The 25-inch Scale*, Question, Mr. Ryder; Answer, Lord Henry Lennox April 20, [218] 816

Report, 1873 . . . . . [952]

**O'REILLY, Mr. M. W., Longford Co.**

Army—Militia and the Line, [219] 964  
 Army Reserves, Res. [218] 508  
 India—H.M. Roman Catholic Servants, [219] 69  
 Intoxicating Liquors, 2R. [219] 149  
 Ireland—Convict Prisons, [219] 1564  
 Irish Magistracy—Mr. Jackson, J. P., [219] 1497  
 Poor Law Guardians, [219] 1056  
 Ireland—National School Teachers, Res. [219] 1296  
 Ireland—Railways—Local Guarantees, Res. [219] 323  
 Irish Railways, Acquisition and Control of, Res. [218] 1332, 1333

**O'SHAUGHNESSY, Mr. R., Limerick**

Expiring Laws Continuance, Comm. [221] 998  
 Ireland—Legal Proceedings, Expenses of, [219] 700  
 Phoenix Park Riots, [219] 1118  
 Ireland—Intermediate Education, Res. [219] 1271, 1282

- cont.

**O'SHAUGHNESSY, Mr. R.—cont.**

Parliament—Galway Writ, [219] 1068  
 Poor Relief (Ireland), 2R. [219] 531, 541  
 Revenue Officers Disabilities, 2R. [218] 964  
 Shannon Navigation—Withdrawal of Bill, [220] 674

**O'SULLIVAN, Mr. W. H., *Limerick Co.***

Excise—Whiskey, Adulteration of, [220] 598  
 Inland Revenue (Ireland)—Mixing Spirits, [219] 1268, 1269  
 Intoxicating Liquors (Ireland) (No. 2), Comm. cl. 12, Amendt. [220] 997, 1000, 1001; cl. 20, Amendt. 1005  
 Monastic and Conventual Institutions, Res. [219] 1512  
 Towns Improvement Act (1854), [219] 478  
 Ways and Means—Pauper Lunatics, [219] 272

**Outlawries Bill**

c. Read 1<sup>o</sup> Mar 19

**OXFORD, Bishop of**

Public Worship Regulation, Comm. cl. 7, [219] 958; cl. 8, 1143; Report, add. cl. [220] 149; Commons Amendts. Consid. [221] 1249; cl. (c), 1255

**Oyster and Mussel Fisheries Orders Confirmation Bill [H.L.]**  
*(The Lord Dunmore)*

- l. Presented; read 1<sup>o</sup> April 27 (No. 36)  
 Read 2<sup>o</sup> May 11  
 Committee\*; Report May 19  
 Read 3<sup>o</sup> May 21
- c. Read 1<sup>o</sup> June 2 [Bill 129]  
 Read 2<sup>o</sup> June 4  
 Committee\*; Report June 15  
 Read 3<sup>o</sup> June 16
- l. Royal Assent June 30 [37 & 38 Vict. c. xviii]

**PAGET, Mr. R. H., *Somersetshire, Mid.***

Army—Militia Storehouses, [219] 67  
 Criminal Lunatics—Broadmoor and County Asylums, [219] 67  
 Intoxicating Liquors, Consid. cl. 20, [219] 1738; cl. 13, [220] 109; cl. 27, 175, 179  
 Supply—Post Office Telegraph Service, [219] 1662

**PALK, Sir L., *Devonshire, E.***

Valuation of Property, Comm. cl. 3, [220] 646  
 Ways and Means, Report, [218] 1190

**PALMER, Mr. C. M., *Durham, N.***

Navy—Naval Reserve, [218] 751  
 Navy Estimates—Steam Machinery, &c. Amendt. [219] 443  
 Singapore Emigration Act, [218] 484

**Parliament**

**LORDS—**

- 218] MEETING OF THE PARLIAMENT Mar 5, 1  
 The PARLIAMENT opened by Commission Certificate of the Election of Sixteen Representative Peers for Scotland delivered and read Mar 5, 3

**PARLIAMENT—LORDS—cont.**

- 218] ROLL OF THE LORDS—Garter King of Arms attending, delivered at the Table (in the usual Manner) a List of the Lords Temporal in the First Session of the Twenty-first Parliament of the United Kingdom Mar 5, 4

ROLL OF THE LORDS—The Lord Chancellor acquainted the House that the Clerk of the Parliaments had prepared and laid it on the Table: The same was ordered to be printed Mar 23 (No. 5)

- . The Royal Commission—Speaker of the House of Commons, presented and approved Mar 6, 15;—Issue of Writs Mar 8, 18

**Her Majesty's Most Gracious Speech**  
 218] delivered by The Lord Chancellor Mar 19, 22

- . An ADDRESS TO HER MAJESTY thereon moved by The Marquess of LOTHIAN (the Motion being seconded by The Earl CADOGAN), and, after debate, agreed to, *Nemine Dissentiente* Mar 19, 26

- . HER MAJESTY'S ANSWER TO THE ADDRESS reported Mar 20, 92

Chairman of Committees—The Lord Redesdale appointed, *Nemine Dissentiente*, to take the Chair in all Committees of this House for this Session Mar 19

Moved that the Viscount Eversley be appointed to take the Chair in the Committees of the Whole House in the absence of the Lord Redesdale from illness, unless where it shall have been otherwise directed by the House; agreed to April 23

Committee for Privileges—appointed Mar 19  
 Sub-Committee for the Journals—appointed Mar 19

Appeal Committee—appointed Mar 19  
 Receivers and Tryers of Petitions—appointed Mar 19

Office of the Clerk of the Parliaments and Office of the Gentleman Usher of the Black Rod—Select Committee on, appointed Mar 23; The Lords following were named of the Committee:—Ld. Chancellor, Ld. President, Ld. Privy Seal, D. Saint Albans, Ld. Chamberlain, M. Lansdowne, M. Salisbury, M. Bath, L. Steward, E. Devon, E. Tankerville, E. Stanhope, E. Carnarvon, E. Granville, E. Kimberley, E. Sydney, V. Hawarden, V. Eversley, L. Colville of Culross, L. Ponsonby, L. Redesdale, L. Colchester, L. Skelmersdale, and L. Aveland Report No. 111

Opposed Private Bills—The Lords following, viz.:—M. Lansdowne, L. Colville of Culross, L. Ponsonby, and L. Skelmersdale were appointed, with the Chairman of Committees, a Committee to select and propose to the House the names of the five Lords to form a Select Committee for the consideration of each opposed Private Bill Mar 23

Standing Order Committee on, appointed Mar 23; The Lords following, with the Chairman of Committees, were named of the Committee:—D. Somerset, Ld. Chamberlain, M. Winchester, M. Lansdowne, M. Bath, M. Ailesbury, E. Devon, E. Airlie, E. Carnarvon, E. Cadogan, E. Belmore,

[cont.

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PARLIAMENT—LORDS—cont.

E. Romney, E. Chichester, E. Powis, E. Verulam, E. Morley, E. Stradbroke, E. Amherst, E. Sydney, V. Hawarden, V. Hardinge, V. Everaley, V. Halifax, L. Camoys, L. Saye and Sele, L. Colville of Culross, L. Ponsonby, L. Sondes, L. Digby, L. Sheffield, L. Colchester, L. Silchester, L. De Tabley, L. Skelmersdale, L. Portman, L. Belper, L. Ebury, L. Egerton, L. Hylton, and L. Penrhyn

*Private Bill Legislation*

218] Orders in relation to Petitions *Mar 19, 51; Mar 23, 226; Mar 24, 255*

Ordered, That no Private Bill brought from the House of Commons shall be read a second time after Thursday the 18th day of June next [And other Orders] *May 1, 1491*

Moved that Standing Order No. 179. sect. 1. be suspended; and that the time for depositing petitions praying to be heard against Private Bills, which would otherwise expire during the adjournment of the House at Whitsuntide, be extended to the first day on which the House shall sit after the Recess *May 21; agreed to*

*Easter Recess*—House adjourned on Monday, 30th March, to Tuesday, 14th April

*Whitsuntide Recess*—House adjourned on Friday, 22nd May, to Monday, 1st June

PROROGATION OF THE PARLIAMENT *August 7*

HER MAJESTY'S SPEECH delivered to both Houses by The LORD CHANCELLOR

The Parliament prorogued to Friday, the 23rd day of October next

COMMONS—

MEETING OF THE PARLIAMENT *Mar 5*

A Book containing a List of the Names of the Members returned to serve in Parliament delivered to Sir Thomas Erskine May by Charles Bomilly, Esquire, Clerk of the Crown in Chancery in Great Britain

• Message from The Lords Commissioners *Mar 5*

The House went up to the House of Peers; and being returned—The House proceeded to the—

218] *Election of a Speaker*—The Right Honourable Henry Brand unanimously called to the Chair *Mar 5, 5*

• Mr. Speaker reported Her Majesty's Approval, and took and subscribed the Oath—with other Members *Mar 6, 17*

• *Committee for Privileges*—appointed *Mar 9, 20*  
*Chairman of Committees*—On Motion of Mr. Disraeli, Mr. Cecil Raikes takes the Chair of the Committee of Supply *Mar 21*

*The Royal Commission*—Issue of Writs *Mar 9*  
*Adjournment of the House* *Mar 9, 19*

• THE QUEEN'S SPEECH reported; An humble Address thereon moved by Sir WILLIAM STIRLING-MAXWELL (the Motion being seconded by Mr. CALLENDER) *Mar 19, 55*

• Amendt. proposed, at the end of the sixth paragraph, to add, "And that, conscious of the obligation of Parliament to take especial care of the condition of India, we desire to

[cont.

PARLIAMENT—COMMONS—cont.

assure Your Majesty of the interest and anxiety with which we shall be ready to consider any measure that may be brought before us tending to mitigate the distress which now prevails in that portion of the Empire, and to avert such calamity in future" (*Mr. Torrens*), 68; Question proposed, "That those words be there added;" after debate; Amendt. withdrawn; main Question put, and agreed to, and a Committee appointed to draw up the said Address

Committee nominated as follows:—Sir William Stirling-Maxwell (Chairman), Sir Charles Adderley, Mr. Attorney General (Sir John Karslake), Mr. Callender, Mr. Chancellor of the Exchequer, Mr. Secretary Cross, Mr. Disraeli, Mr. Dyke, Lord George Hamilton, Mr. Secretary Hardy, Mr. Ward Hunt, Viscount Sandon, Mr. Solater-Booth, Mr. W. H. Smith, and Mr. Solicitor General (Sir Richard Baggallay)

218] Report of Address brought up and read *Mar 20, 110*

• Address read a second time; Amendt. proposed, at the end of the eighth paragraph, to add "We also think it right humbly to represent to Your Majesty that dissatisfaction prevails very extensively in Ireland with the existing system of Government in that Country, and that complaints are made that under that system the Irish people do not enjoy the full benefits of the Constitution or of the free principles of the Law; and we humbly assure Your Majesty that we shall regard it as the duty of Parliament, on the earliest opportunity, to consider the origin of this dissatisfaction, with a view to the removal of all just causes of discontent" (*Mr. Butt*); Question proposed, "That those words be there added;" after debate, Question put; A. 50, N. 314; M. 264

Address agreed to; to be presented by Privy Counsellors

Division List, Ayes and Noes, 171

• Her Majesty's Answer to the Address reported *Mar 23, 228*

*Public Accounts*—Committee appointed and nominated *Mar 20*, as follows:—Mr. Dodson (Chairman), Colonel Barttelot, Lord F. Cavendish, Mr. Cubitt, Lord Eslington, Mr. Goldney, Mr. Thomson Hankey, Mr. O'Reilly, Mr. Salt, Mr. Seely, and Mr. W. H. Smith

• *Reports of the Auditor General*, Question, Mr. Dillwyn; Answer, The Chancellor of the Exchequer *April 23, 987*

*Printing*—Select Committee appointed and nominated *Mar 20*, as follows:—Mr. Chancellor of the Exchequer, Mr. Dodson, Mr. Henley, Mr. Ward Hunt, Mr. Massey, The O'Connor Don, Mr. Solater-Booth, Mr. William Henry Smith, Mr. Stansfeld, Mr. Spencer Walpole, and Mr. Whitbread

*Kitchen and Refreshment Rooms (House of Commons)*—Standing Committee appointed and nominated *Mar 20*, as follows:—Mr. Adam (Chairman), Mr. Dick, Mr. Dyke, Mr. Edwards, Mr. Goldney, Captain Hayter, Lord Kensington, Mr. Muntz, Mr. Stacpoole, and Sir Henry Wolf

[cont.

PARLIAMENT—COMMONS—*cont.*

**Public Petitions**—Select Committee appointed and nominated *Mar 24*, as follows:—Sir Charles Forster (Chairman), Mr. Cavendish Bentinck, Viscount Crichton, Mr. William Ormsby Gore, Earl De Grey, Mr. Kay-Shuttleworth, Mr. Kinnaid, Mr. M'Lagan, Mr. O'Connor, The O'Donoghue, Lord Arthur Russell, Sir Charles Russell, Mr. Sandford, Mr. Simonds, and Mr. Reginald Yorke

**Railway and Canal Bills, General Committee on**—A Sessional Committee; nominated by the Committee of Selection, as follows:—Sir Francis Goldsmid (Chairman), Mr. W. W. Beach, Mr. Evans, Mr. Floyer, Mr. Leveson Gower, Mr. Kay-Shuttleworth, Sir John Kennaway, Earl of March, Mr. Arthur Mills, Mr. O'Reilly, Mr. Ridley, Mr. J. G. Talbot, and Mr. Woodd

**Selection**—Committee of, nominated as follows:—Right Hon. J. R. Mowbray (Chairman), Mr. Thomson Hankey, Sir Graham Montgomery, The O'Connor Don, Mr. Scourfield, and Mr. Whitbread

**Standing Orders**—Select Committee nominated as follows:—Mr. Mowbray (Chairman), Sir T. E. Colebrooke, Viscount Crichton, Mr. Cubitt, Mr. Thomson Hankey, Mr. Henley, Mr. Howard, Sir Graham Montgomery, The O'Connor Don, Mr. Scourfield, and Mr. Whitbread

**Privilege**

**Breach of Privilege**—The "*Morning Post*," Question, Observations, Mr. Herbert; Reply, Mr. Speaker *May 18*, [219] 394

**Explosive Substances Committee**, Leave given to the Select Committee on Explosive Substances to make a Special Report (Sir John Hay) *May 22*, [219] 698; Special Report brought up, and read

Ordered, That Mr. R. S. France do attend this House upon Monday the 1st day of June next, at half an hour after Four of the clock Order read for Attendance of Mr. R. S. France *June 1*, 752

Moved, "That Mr. R. S. France be called in" (Sir John Hay); after short debate, Question put, and agreed to; after further short debate, Mr. R. S. France directed to withdraw

Ordered, "That Mr. R. S. France be called to the Bar of this House, &c.," 755; and Mr. France having been accordingly called in, was admonished by Mr. Speaker

Moved, "That these proceedings be entered on our Journals" (Mr. Disraeli); Motion agreed to

Ordered, Nemine Contradicente, That what has been now said by Mr. Speaker, in admonishing R. S. France, be entered in the Journals of this House

**Imprisonment of Mr. Whalley for Contempt of Court**, Observations, Mr. Whalley *May 11*, [219] 160; Motion for a Select Committee (Mr. Whalley) *May 12*, 201 [House counted out] [See title—*Parliament—Privilege*]

**Petition of Mr. Rigby Wason—Offensive Imputations**, Moved, "That the Order [2nd June] that the Petition should lie on the Table be discharged" (Sir Charles Forster) *June 8*, [219] 1153; Order read, and discharged; Petition withdrawn

PARLIAMENT—COMMONS—*cont.*

**Business of the House**

Questions, Mr. Newdegate, Mr. Beresford Hope; Answers, Mr. Disraeli *Mar 20*, [218] 109; Questions, Mr. Goschen, Mr. Horsman; Answers, Mr. Disraeli, The Chancellor of the Exchequer *April 24*, 1098; Question, Mr. Newdegate; Answer, Mr. Disraeli *May 1*, 1497

**The Resolutions of 1872**, Question, Mr. Whitwell; Answer, Mr. Dodson *Mar 26*, [218] 339

**Easter Recess**, House adjourned on Tuesday, 31st March, to Monday, 13th April

**Whitsuntide Recess**, Question, Mr. Newdegate; Answer, Mr. Disraeli *April 30*, [218] 1411; House adjourned on Friday, 22nd May, to Monday, 1st June

**Derby Day—Adjournment of the House**, Moved, "That this House will, at the rising of the House this day, adjourn till Thursday next" (Mr. Disraeli) *June 2*, [219] 854; after short debate, Question put; A. 243, N. 69; M. 174

**Morning Sitings**, Question, Mr. Monk; Answer, Mr. Disraeli *June 19*, [220] 159

**Saturday Sitings**, Question, Mr. Sullivan; Answer, Mr. Speaker *July 25*, [221] 704

**Public Business**

**Public Business after the Whitsun Vacation**, Questions, Mr. J. G. Talbot, Mr. Cogan; Answers, Mr. Disraeli, Mr. Newdegate *May 22*, [219] 701

**Order—Monastic and Conventual Institutions Bill**, Observations, Mr. Newdegate; Reply, Mr. Speaker *June 5*, [219] 1053;—*The late Count-Out*, Observations, Mr. Newdegate *June 10*, 1299; Moved, "That this House do now adjourn" (Mr. Greene); after short debate, Question put, and negatived Observations, Colonel Barttelot *June 5*, [219] 1062

**Arrangement of Public Business**, Question, Colonel Barttelot; Answer, Mr. Disraeli *June 8*, [219] 1164

Moved, "That the Orders of the Days subsequent to the Intoxicating Liquors Bill be postponed till after the Notice of Motion of Mr. Chancellor of the Exchequer relating to Friendly Societies" (Mr. Disraeli) *June 8*, [219] 1164; after short debate, Motion agreed to

**Public Business**, Questions, Mr. W. E. Forster, Sir Wilfrid Lawson; Answers, Mr. Disraeli *June 22*, [220] 228

**Commencement of Public Business**, Question, Sir Charles Russell; Answer, Mr. Gathorne Hardy *June 25*, [220] 425

**State and Progress of Public Business—Public Worship Regulation Bill**, Ministerial Statement, Mr. Disraeli *July 13*, [220] 1523; *July 24*, [221] 625; Moved, "That this House do now adjourn" (Mr. Gladstone); after debate, Motion withdrawn Observations, Mr. Sullivan; debate thereon *July 25*, [221] 713

**Postponement of Orders of the Day**, Moved, "That the Orders of the Day, this day, be postponed till after the Order for the Ad-

[*cont.*]

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PARLIAMENT—COMMONS—*cont.*

journalled debate on the second reading of the Public Worship Regulation Bill" (*Mr. Disraeli*) July 16, [221] 3; after short debate, Question put, and agreed to  
 Moved, "That the Standing Orders respecting the sittings of the House on Wednesdays be suspended, this day, till the Adjourned Debate on the Public Worship Regulation Bill shall have been disposed of" (*Mr. Disraeli*); after short debate, Question put, and agreed to

## Private Bill Legislation—New Standing Orders

*Drainage and Inclosure Acts*—Standing Orders 175 and 176 read in order to their Amendment July 30, [221] 965; after debate, Debate adjourned

Debate resumed July 31, 1029; after further debate, Standing Orders amended

*Houses of the Labouring Classes*—New Standing Orders moved (*Mr. Assheton Cross*) July 30, [221] 963; after short debate, New Standing Orders agreed to

*Railway Bills*—Standing Order 25 read, and amended August 3, [221] 1141

## Palace of Westminster

*Admission of Visitors*, Question, Observations, Colonel Beresford; Reply, Mr. Assheton Cross July 16, [221] 129; Question, Sir Charles W. Dilke; Answer, Mr. Assheton Cross July 28, [221] 853

*Frescoes in the House of Lords*, Question, Mr. Hankey; Answer, Lord Henry Lennox June 29, [220] 605

*Subway to the House of Commons*, Question, Mr. Grieve; Answer, Lord Henry Lennox April 20, [218] 817

*Sale of Acts of Parliament*, Question, Mr. Hayter; Answer, Mr. W. H. Smith July 28, [221] 953

*The Abbey and Palace at Westminster*, Question, Mr. W. M. Torrens; Answer, Lord Henry Lennox May 4, [218] 1591

*The Clock Tower*, Question, Mr. W. M. Torrens; Answer, Lord Henry Lennox June 25, [220] 418

*The Light in the Clock Tower*, Question, Mr. James; Answer, Lord Henry Lennox April 21, [218] 926

*The Water-Glass Pictures*, Question, Mr. Errington; Answer, Lord Henry Lennox August 7, [221] 1423

## PROROGATION OF THE PARLIAMENT August 7

Message to attend the Lords Commissioners' [221] 1476 :—The House went: HER MAJESTY'S SPEECH delivered to both Houses of Parliament by THE LORD CHANCELLOR, pursuant to Her Majesty's Command

After which, Parliament prorogued to Friday, October 23

## Parliament—Ascension Day—Committees

Moved, "That Committees shall not sit upon Thursday, being Ascension Day, until Two o'clock, and shall have leave to sit until Six o'clock, notwithstanding the sitting of the House" (*Mr. Gathorne Hardy*) May 12, [219] 175; Motion agreed to

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## Parliament—Business of the House

Moved, "That upon Tuesday next, and upon every succeeding Tuesday during the remainder of the Session, Orders of the Day have precedence of Notices of Motions, Government Orders of the Day having the priority" (*Mr. Gathorne Hardy*) June 11, [219] 1407; after short debate, Motion agreed to

Moved, "That to-morrow, and on every succeeding Wednesday of the Session, Government Orders of the Day have precedence" (*Mr. Disraeli*) July 21; Motion agreed to

## Parliament—Business of the House

Moved, "That, whenever the House shall meet at Two of the clock, the sitting of the House shall be held subject to the Resolutions of the House of the 30th day of April 1869" (*Mr. Disraeli*) July 2, [220] 873; after short debate, Motion agreed to

## Parliament—Business of the House (Opposed Business)

Moved, "That, except for a Money Bill, no Order of the Day or Notice of Motion be taken after half-past Twelve of the clock at night, with respect to which Order or Notice of Motion a Notice of Opposition or Amendment shall have been printed on the Notice Paper, or if such Notice of Motion shall only have been given the next previous day of sitting, and objection shall be taken when such Notice is called" (*Mr. Heygate*) Mar 24, [218] 270

Amendt. to leave out from "That," and add "in the opinion of this House, the time allotted by the Rules of the House to the consideration of Bills introduced by private Members is already insufficient for the due discussion of the same and ought not to be further restricted" (*Mr. Osborne Morgan*) v.; after debate, Question, "That the words, &c.," put, and agreed to

Main Question proposed; Amendt. to add, at the end thereof, "Provided, that this Rule shall not apply to any Bill which has passed through Committee of the House" (*Mr. Dillwyn*); after further short debate, Question put, "That those words be there added;" A. 275, N. 113; M. 162

Main Question, as amended, agreed to

## Parliament—Controverted Elections—Judges' Reports

218] *Borough of Taunton* Mar 19, 54 (P. P. 74)

. *County of Renfrew* April 13, 493

. *Kidderminster, Hackney* April 16, 624

. *Ayr Burghs, Isle of Wight* April 17, 710

. *Stockport* April 20, 811

. *New Windsor* (P. P. 152), *Wakefield, Athlone*

. *April 27, 1173*; (P. P. 144)

. *County of Leitrim* April 30, 1406

. *Borough of Barnstaple* May 1, 1493

. *Stroud, Dudley* May 4, 1580

. *County of Mayo* May 7, 1834 (P. P. 165)

219] *Borough of Poole* May 13, 205

. *Kerry* May 12, 205

. *Borough of Pembroke* May 14, 304

. *Galway Borough* June 1, 743 (P. P. 201)

3 H [cont.]

*Parliament — Controverted Elections — Judges' Reports—cont.*

- 219] *Durham, Bolton, Galway, Wigton District of Burghs* June 1, 1750  
*. Wigtown Burghs Writ* June 2, 847; *August 7*, [221] 1421  
*. Haverfordwest, Durham County (Northern Division)* June 2, 847  
*. Boston Borough* June 8, 1152 (P.P. 375)  
*. Borough of Drogheda* June 15, 1583  
220] *County of Durham (Southern Division)* June 17, 1  
*. Launceston, (P. P. 250); Petersfield, Boston* June 23, 297  
*. Borough of Stroud* July 13, 1517  
*. English and Irish Judgments, Question, Captain Nolan: Answer, The Attorney General* June 25, 422  
221] *Kidderminster* July 20, 293

*Parliament—New Writs*

Moved, "That, where any Election has been declared void, under the Parliamentary Elections Act of 1868, and the Judge has reported that any person has been guilty of bribery and corrupt practices, no Motion for the issuing of a new Writ shall be made without two days' previous notice being given in the Votes" (*Mr. Anderson*) April 30, [218] 1488; Motion agreed to

Observations, Question, Mr. Roebuck; Reply, Mr. Speaker; short debate thereon May 7, 1843

*Motion for New Writs, Question, Mr. Anderson; Answer, Mr. Speaker* April 28, 1262

Ordered, That every Motion for a New Writ, of which Notice has been given, pursuant to the Resolution of the 30th day of April last, be appointed for consideration before the Orders of the Day and Notices of Motions (*Mr. Disraeli*) May 11

*Parliamentary Elections Act, 1868, Return of all Petitions tried up to 30th January 1874* P.P. 219

*Parliament—Controverted Elections—Galway Election Petition—Mr. Justice Lawson*

Question, Sir Colman O'Loughlen; Answer, Mr. Disraeli May 4, [218] 1581

Amendt. on Committee of Supply May 7, To leave out from "That," and add "this House is of opinion that a Judge of one of Her Majesty's Superior Courts of Common Law, who may accept and hold an office at the pleasure of the Crown, should not, while holding such office, act as an Election Judge under 'The Parliamentary Elections Act, 1868'" (*Sir Colman O'Loughlen*) v., 1884; Question proposed, "That the words, &c.;" after debate, Question put, and agreed to

*Parliament — Controverted Elections — Stroud Writ*

Orders of the Day postponed (*Mr. Disraeli*) May 8, [218] 1928

Moved, "That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a new Writ for the electing of Members to serve in this present Parliament for the  
[cont.

*Parliament — Controverted Elections — Stroud Writ—cont.*

Borough of Stroud, in the room of Sebastian Stewart Dickinson, esquire, and Walter John Stanton, esquire, whose Election has been determined to be void" (*Lord Kensington*) May 8, 1928

Amendt. to leave out from "That," and add "no new Writ for the electing of Members to serve in this present Parliament for the Borough of Stroud be issued until after the shorthand writer's notes of the Evidence and Judgment have been laid before this House" (*Mr. Charles Lewis*) v.; Question proposed, "That the words, &c.;" after debate, Amendt. withdrawn; main Question put, and agreed to

*Stroud Election Petitions, Question, Mr. Monk; Answer, The Attorney General* July 7, [220] 1224

*Parliament—Galway New Writ*

Questions, Mr. Conolly; Answers, The Attorney General for Ireland, Mr. O'Shaughnessy June 5, [219] 1062

Moved, "That Mr. Speaker do issue his Warrant to the Clerk of the Crown in Ireland to make out a New Writ for the electing of a Member to serve in this present Parliament for the Borough of Galway, in the room of Francis Hugh O'Donnell, esquire, whose Election has been determined to be void" (*Mr. O'Shaughnessy*)

Certificate and Reports from the Judge selected for the Trial of Election Petitions pursuant to the Parliamentary Elections Act, 1868, relating to the Election for the Borough of Galway read (*Mr. Conolly*) June 19, [220] 160

Amendt. to leave out from "That," and add "having regard to the decisions of the Judges appointed by this House to try the Election Petitions of the Town of Galway Election 1874 and County of Galway 1872, having regard also to the recommendation of the Royal Commission on the Town of Galway Election Petition 1857, having regard to the Joint Address of both Houses of Parliament which represented to Her Majesty in 1857 that corrupt practices have extensively prevailed at the last Election and at previous Elections for the said County of the Town of Galway, this House is of opinion that the said Town of Galway be henceforth disfranchised" (*Mr. Conolly*) v.; Question proposed, "That the words, &c.;" after short debate, Question put, and agreed to; main Question put, and agreed to

New Writ for Galway Borough, v. Francis Hugh O'Donnell, esquire, void Election

*Parliament—Launceston New Writ*

Moved, "That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a new Writ for the electing of a Member to serve in this present Parliament for the borough of Launceston in the room of James Henry Deakin whose election has been determined to be void" (*Mr. Dyke*) June 26, [220] 511; after short debate, Motion agreed to

*Parliament—Parliamentary Elections Act, 1868—Boston Election*

The Clerk of the Crown attending according to Order, amended the Return for the Borough of Boston June 24

Copy ordered, "of the Shorthand Writer's Notes of the Evidence taken at the Trial of the Boston Election Petition and of the Special Case and also of the Judgment of each of the three Judges, viz. Lord Coleridge, Mr. Justice Brett, and Mr. Justice Grove, in the matter of the said Petition" (*Sir Edward Watkin*) July 1

Question, Mr. Charles Lewis; Answer, The Attorney General July 10, [220] 1472; Question, *Sir Edward Watkin*; Answer, The Attorney General July 16, [221] 121

*Falkirk District of Burghs*, Letter from John Ramsay, esquire, read Mar 19, [218] 54

*Parliament—Privilege—Committal of a Member by the Court of Queen's Bench for Contempt*

Mr. Speaker acquainted the House, that he had received a Letter from the Lord Chief Justice of England, which Mr. Speaker read to the House Mar 19, [218] 52

A Select Committee appointed thereon Mar 20, 101; the Select Committee to consist of Seventeen Members (*Mr. Disraeli*) Mar 26, 341; after short debate, Members added; Committee nominated as follows:—Mr. Spencer Walpole (Chairman), Mr. Attorney General (*Sir R. Baggallay*), Mr. Stephen Cave, *Sir Edward Colebrooke*, Viscount Crichton, *Mr. Disraeli*, *Sir Seymour Fitzgerald*, *Sir Charles Forster*, *Mr. Goschen*, Viscount Holmesdale, *Sir Henry James*, Mr. Knatchbull-Hugessen, Mr. Massey, *Sir Graham Montgomery*, Mr. Roebuck, Mr. Solicitor General (*Mr. Holker*), and Mr. Whitbread

Report of Select Comm. Mar 31, 480 [No. 77] Observations, Mr. Whalley May 11, [219] 150; Motion for a Select Committee (*Mr. Whalley*) May 12, 201 [House counted out]

*Parliament—Creation of Irish Peerages*

Moved that an humble Address be presented to Her Majesty, praying Her Majesty's consent to a Bill being introduced limiting the prerogative of the Crown in so far as it relates to the creation of Irish Peerages, as provided by the Act of Union (*The Lord Inchiquin*) June 12, [219] 1476; after short debate, Motion withdrawn

*Parliament—Representative Peers of Scotland and Ireland*

Moved that a Select Committee be appointed to inquire into the present method of electing the Representative Peers for Scotland and Ireland, and to report whether any changes are desirable therein (*The Earl of Rosebery*) June 12, [219] 1489; after short debate, further debate adjourned Debate resumed June 19, [220] 136

[cont.]

*Parliament—Representative Peers of Scotland and Ireland—cont.*

After short debate, Moved, "That a Select Committee be appointed to consider the state of the Representative Peerage in Scotland and Ireland and the laws relating thereto" (*The Duke of Richmond*); Motion agreed to; original Motion withdrawn; and a Select Committee appointed

And, on June 25, the Lords following were named of the Committee:—*Ld. Privy Seal*, *E. Doncaster*, *E. Haddington*, *E. Airlie*, *E. Lucan*, *E. Belmore*, *V. de Vesci*, *V. Halifax*, *L. Saltoun*, *L. Elphinstone*, *L. Ponsonby*, *L. Inchiquin*, *L. Rosebery*, *L. Oxenford*, *L. Monck*, *L. O'Hagan*, and *L. Carlingford*

Report and Evidence . . . P.P. 140

*Parliament—Office of the Clerk of the Parliaments and Office of the Gentleman Usher of the Black Rod*

Ordered, That all matters relating to the Library of the House, and to the papers and documents delivered for the use of the Peers, shall be considered within the jurisdiction of the Select Committee on the Office of the Clerk of the Parliaments and Office of the Gentleman Usher of the Black Rod (*The Chairman of Committees*) June 19 First Report . . . P.P. 111

*Parliament—Salaries and Emoluments of the Officers of the Two Houses of Parliament*

Moved, "That a Select Committee be appointed to inquire into and report upon the Salaries and Emoluments of the Officers of the Two Houses of Parliament, with the view, as vacancies occur, of fixing them upon an equitable basis" (*Mr. Dillwyn*) May 12, [219] 183

Amendt. proposed, to leave out from "Officers of the," and add "House of Commons" (*Sir Henry Wolf*) v.; Question proposed, "That the words, &c.;" after short debate, Amendt. withdrawn; main Question put; A. 59, N. 226; M. 167

*Parliament—Statute of Anne—Office of Attorney or Solicitor General*

Moved, "That, in the interest of the public service, it is expedient that Members of this House who after their election may have accepted the office of Her Majesty's Attorney General or Solicitor General, should be for the future exempted from the operation of the Law under which all Members who may accept offices of profit under the Crown are compelled to vacate their seats" (*Mr. Yorke*) May 12, [219] 175; after short debate, Question put, and negatived

*Parliament—The Dissolution and General Election*

Amendt. on Committee of Supply April 24, To leave out from "That," and add "in the opinion of this House, the advice given to the Crown by Her Majesty's late Ministers

[cont.]

*Parliament—The Dissolution and General Election—cont.*

to dismiss the last Parliament upon the 26th January last, in an abrupt manner and without any previous warning, at a time when both Houses had been summoned to meet for the despatch of public business, and when no emergency had arisen for such a step, is censurable; and further, that the precipitate appeal to the Constituencies consequent on such Dissolution is opposed to the spirit of the Constitution" (*Mr. Smollett*) v., [218] 1101; after debate, Question, "That the words, &c.," put, and agreed to

*General Election—Returns*, Question, Mr. Dodds; Answer, Mr. Assheton Cross *May* 22, [219] 700; *July* 31, [221] 1030; Question, Sir Henry Havelock; Answer, Mr. Assheton Cross *August* 7, 1421

PARLIAMENT—HOUSE OF LORDS

*Twenty-first Parliament of the United Kingdom*

LORDS—

*New Peers*

*Mar* 6—The Right Hon. Sir Thomas Fremantle, baronet, created Baron Cottesloe

*Mar* 10—The Right Hon. Sir John Somerset Pakington, baronet, G.C.B., created Baron Hampton of Hampton Lovett and of Westwood in the county of Worcester

The Right Hon. Edward Cardwell, created Viscount Cardwell of Ellerbeek in the County Palatine of Lancaster

The Right Hon. Henry Austin Bruce, created Baron Aberdare of Duffryn, county Glamorgan

The Right Hon. Chichester Samuel Parkinson Fortescue, created Baron Carlingford of Carlingford, county Louth

George Henry Charles Byng, esquire, (commonly called Viscount Enfield,) summoned by Writ to the House of Lords in his Father's Barony of Strafford of Ilamondsworth, county Middlesex

*Mar* 19—The Earl of Breadalbane, created Baron Breadalbane of Kenmore, county Perth

The Right Hon. William Monsell, created Baron Emly of Jervoe, county Limerick

The Right Hon. John Wilson Patten, created Baron Winmarleigh of Winmarleigh, County Palatine of Lancaster

*Mar* 20—John Robert Viscount Sydney, G.C.B., created Earl Sydney of Seadbury, county Kent

*Mar* 26—The Marquess of Westminster, K.G., created Duke of Westminster

[cont.]

PARLIAMENT—LORDS—*New Peers—cont.*

*April* 20—The Right Hon. Sir James Moncreiff, baronet, created Baron Moncreiff of Tulliebole, county Kinross

*April* 23—The Right Hon. Sir John Duke Coleridge, knight, Chief Justice of Her Majesty's Court of Common Pleas, created Baron Coleridge of Ottery St. Mary, county Devon

*April* 30—Henry Thomas Baron Ravensworth, created Earl of Ravensworth of Ravensworth Castle in the County Palatine of Durham

*May* 7—The Hon. Edward Granville George Howard, esquire, Admiral on the Reserved Half-Pay List of Her Majesty's Fleet, created Baron Lanerton of Lanerton, county Cumberland

*June* 2—The Right Honourable Edmund Hammond, created Baron Hammond of Kirkella in the town and county of the town of Kingston-upon-Hull

*June* 8—His Royal Highness Prince Arthur William Patrick Albert, created Earl of Sussex and Duke of Connaught and of Strathearn

*Sat First*

*Mar* 5—The Earl of Pembroke and Montgomery, after the death of his Uncle

The Lord Annaly, after the death of his Father

The Earl Cadogan, after the death of his Father

*Mar* 9—The Lord Wolverton, after the death of his Father

The Earl of Onslow, after the death of his Great Uncle

*Mar* 10—The Lord De Ros, after the death of his Father

*Mar* 19—The Lord De Clifford, after the death of his Great Uncle

The Earl of Hardwicke, after the death of his Father

*Mar* 26—The Lord Lyvedon, after the death of his Father

*April* 28—The Lord Rayleigh, after the death of his Father

*May* 15—The Lord Thurlow, after the death of his Brother

*June* 8—The Lord Zouche of Haryngworth, after the death of his Father

*July* 28—The Lord St. John of Bletso, after the death of his Father

*Representative Peer for Ireland*

(Writ and Return)

*May* 11—Lord Castlemaine, v. Lord Blayney, deceased

*July* 24—The Lord Bishop of Ely took the Oath for the first time



PARLIAMENT—HOUSE OF COMMONS

*Twentieth Parliament of the United Kingdom*

*Writs Issued in Pursuance of the Speaker's Warrant during the Recess, and the Names of the Persons Returned in Compliance therewith*

1873

Aug 18—*For* Yorkshire (West Riding, Northern Division), *v.* Lord Frederick Charles Cavendish, Lord of the Treasury

Aug 21—*For* Shaftesbury, *v.* George Grenfell Glyn, now Lord Wolverton

Sept 1—*For* Renfrew, *v.* Right Hon. Henry Austin Bruce, created Baron Aberdare

Sept 15—*For* Dover, *v.* Right Hon. Sir George Jessel, knight, Master of the Rolls

Oct 2—*For* Bath, *v.* Donald Dalrymple, esquire, deceased

Oct 6—*For* Taunton, *v.* Henry James, esquire, Attorney General

Oct 13—*For* Birmingham, *v.* Right Hon. John Bright, Chancellor of the Duchy of Lancaster

*For* Kingston-on-Hull, *v.* James Clay, esquire, deceased

Nov 13—*For* Haverfordwest, *v.* Lord Kensington, Comptroller of the Household

Nov 27—*For* Edinburgh University, *v.* Lyon Playfair, esquire, Postmaster General

Dec 1—*For* Oxford City, *v.* William George Granville Venables Vernon Harcourt, esquire, Solicitor General

*For* Exeter, *v.* Sir John Duke Coleridge, knight, Chief Justice of the Common Pleas

Dec 11—*For* Huntingdon, *v.* Thomas Baring, esquire, deceased

Dec 22—*For* Cambridge, *v.* Charles Philip Yorke, Viscount Royston

Dec 29—*For* Stroud, *v.* Henry Selfe Page Winterbotham, esquire, deceased

1874

Jan 1—*For* Somersetshire (Western Division) *v.* Henry Powell Gore Langton esquire, deceased

Jan 5—*For* Newcastle, *v.* Sir Joseph Cowen, deceased

*Members Returned*

1873

Aug 27—Lord Frederick Charles Cavendish, *Yorkshire* (West Riding, Northern Division)

Aug 30—Vere Fane Benett-Stanford, esquire, *Shaftesbury*

Sept 13—Archibald Campbell Campbell, esquire, *Renfrew*

Sept 23—Edward William Barnett, esquire, *Dover*

Oct 9—Arthur Divett Hayter esquire, *Bath*

Oct 14—Henry James, esquire, *Taunton*

Oct 20—Right Hon. John Bright, *Birmingham*

Oct 24—Joseph Walter Pease, esquire, *Kingston-on-Hull*

Nov 28—William Lord Kensington, *Haverfordwest*

[cont.]

PARLIAMENT—COMMONS—*Members Returned—cont.*

Dec 4—Lyon Playfair, esquire, *Edinburgh University*

Dec 6—William George Granville Venables Vernon Harcourt, esquire, *Oxford City*

Dec 11—Arthur Mills, esquire, *Exeter*

Dec 20—Sir John Burgess Karalake, knight, *Huntingdon*

1874

Jan 3—Hon. Eliot Constantine Yorke, *Cambridge*

Jan 8—John Edward Dorington, esquire, *Stroud*

Jan 12—Vaughan Hanning Lee, esquire, *Somersetshire* (Western Division)

Jan 17—Joseph Cowen, esquire, *Newcastle*

*The Parliament having been dissolved on the 26th of January, 1874, none of the Persons returned in compliance with these Writs took their Seats*

*Twenty-first Parliament of the United Kingdom*

*New Writs Issued*

Mar 9—*For* Devon (Northern Division), *v.* Right Hon. Sir Stafford Henry Northcote, baronet, Chancellor of the Exchequer

*For* Northampton (Northern Division), *v.* Right Hon. George Ward Hunt, First Commissioner of the Admiralty

*For* Oxford University, *v.* Right Hon. Gathorne Hardy, Secretary of State

*For* Gloucester (Eastern Division), *v.* Right Hon. Sir Michael Edward Hicks-Beach, baronet, Chief Secretary to the Lord Lieutenant of Ireland

*For* Stafford (Northern Division), *v.* Right Hon. Sir Charles Bowyer Adderley, President of the Board of Trade

*For* Chichester, *v.* Lord Henry Lennox, First Commissioner of Works and Buildings

*For* Southampton (Northern Division), *v.* Right Hon. George Selater-Booth, President of the Local Government Board

*For* Liverpool, *v.* Viscount Sandon, Vice President of the Committee of Council for Education

*For* Dublin County, *v.* Right Hon. Thomas Edward Taylor, Chancellor of the Duchy of Lancaster

*For* Shoreham, *v.* Right Hon. Stephen Cave, Judge Advocate General

*For* Huntingdon, *v.* Sir John Burgess Karalake, knight, Attorney General

*For* Surrey (Middle Division), *v.* Sir Richard Baggallay, knight, Solicitor General

*For* Trinity College (Dublin), *v.* Right Hon. John Thomas Ball, Attorney General for Ireland

[cont.]

PARLIAMENT — COMMONS—*New Writs Issued—*  
*cont.*

- Mar 9—For Glasgow and Aberdeen Universities, v. Edward Strathearn Gordon, esquire, Lord Advocate of Scotland*  
*For Devon (Southern Division), v. Sir Massey Lopes, baronet, Commissioner of the Admiralty*  
*For Portsmouth, v. Sir James Dalrymple Horn Elphinstone, baronet, Commissioner of the Treasury*  
*For Lincoln (Northern Division), v. Rowland Winn, esquire, Commissioner of the Treasury*  
*For Eye, v. Viscount Barrington, Vice Chamberlain of the Household*  
*For Northumberland (Northern Division), v. Earl Percy, Treasurer of the Household*  
*For Inverness-shire, v. Donald Cameron, esquire, of Lochiel, Groom in Waiting*  
*For Monmouth County, v. Lord Henry Somerset, Comptroller of the Household*  
*For Oxford City, v. Right Hon. Edward Cardwell, now Viscount Cardwell*  
*Mar 12—For Buckinghamshire, v. Right Hon. Benjamin Disraeli, First Commissioner of the Treasury*  
*For Lancaster (South Western Division), v. Right Hon. Richard Assheton Cross, Secretary of State*  
*For Leicester (Northern Division), v. Right Hon. Lord John Manners, Postmaster General*  
*For Suffolk (Eastern Division), v. Viscount Mahon, Commissioner of the Treasury*  
*For Galway, v. Viscount St. Lawrence, now Earl of Howth*  
*Mar 19—For Lancaster (Northern Division), v. Right Hon. John Wilson Patten, called to the House of Peers*  
*For Falkirk Burghs, v. John Ramsay, esquire, void Election*  
*Mar 23—For Louth County, v. Philip Callan, esquire, elected to sit for Dundalk*  
*April 16—For Hackney, v. John Holmes, esquire, and Sir Charles Reed, knight, void Election*  
*April 17—For Preston, v. John Holker, esquire, Solicitor General*  
*April 27—For Wakefield, v. Edward Green, esquire, void Election*  
*May 7—For Mayo County, v. Thomas Tighe, esquire, and George Ekins Browne, esquire, void Election*  
*For Dudley, v. Henry Brinsley Sheridan, esquire, void Election*  
*May 8—For Stroud, v. Sebastian Stewart Dickinson, esquire, and Walter John Stanton, esquire, void Election*  
*May 18—For Poole, v. Charles Waring, esquire, void Election*  
*June 2—For Wigton Burghs, v. Right Hon. George Young, Judge of Court of Session*

PARLIAMENT — COMMONS — *New Writs Issued—*  
*cont.*

- June 4—For Durham City, v. John Henderson, esquire, and Thomas Charles Thompson, esquire, void Election*  
*For Haverfordwest, v. Lord Kensington, void Election*  
*June 8—For Durham County (Northern Division), v. Isaac Lothian Bell, esquire, and Charles Mark Palmer, esquire, void Election*  
*June 19—For Galway Borough, v. Francis Hugh O'Donnell, esquire, void Election*  
*June 28—For Launceston, v. James Henry Deakin, esquire, void Election*  
*July 17—For Stroud, v. John Edward Dorington, esquire, void Election*  
*July 24—For Kidderminster, v. Albert Grant, esquire, void Election*

*New Members Sworn*

- Mar 19—Right Hon. Gathorne Hardy, Oxford University*  
*Right Hon. Sir Stafford Henry Northcote, baronet, Devon (Northern Division)*  
*Right Hon. Richard Assheton Cross, Lancaster (South Western Division)*  
*Right Hon. George Ward Hunt, Northampton (Northern Division)*  
*Right Hon. Viscount Sandon, Liverpool*  
*Right Hon. Stephen Cave, New Shoreham*  
*Right Hon. George Selater-Booth, Southampton (Northern Division)*  
*Right Hon. Sir Michael Edward Hicks-Beach, baronet, Gloucester (Eastern Division)*  
*Donald Cameron, esquire, of Lochiel, Inverness-shire*  
*Sir James Dalrymple Horn Elphinstone, baronet, Portsmouth*  
*Sir John Burgess Karslake, knight, Huntingdon*  
*Sir Richard Baggallay, knight, Surrey (Middle Division)*  
*Rowland Winn, esquire, Lincoln (Northern Division)*  
*Right Hon. John Thomas Ball, Dublin University*  
*Sir Massey Lopes, baronet, Devon (Southern Division)*  
*Earl Percy, Northumberland (Northern Division)*  
*Viscount Barrington, Eye*  
*Lord Henry Somerset, Monmouthshire*  
*Right Hon. Edward Strathearn Gordon, Glasgow University*  
*Alexander William Hall, esquire, Oxford City*  
*Right Hon. Benjamin Disraeli, Buckinghamshire*  
*Mar 21—Right Hon. Lord John Manners, Leicester County (Northern Division)*  
*Mar 23—Viscount Mahon, Suffolk (Eastern Division)*  
*Right Hon. Sir Charles Bowyer Adelerley, baronet, Stafford (Northern Division)*

[cont.]

[cont.]

**PARLIAMENT—COMMONS—New Members Sworn—cont.**

*Mar 23*—Right Hon. Thomas Edward Taylor, *Dublin County*

Lord Henry Lennox, *Chichester*

*Mar 26*—Thomas Henry Clifton, esquire, *Lancaster* (Northern Division)

Francis Hugh O'Donnell, esquire, *Galway*

*Mar 27*—John Ramsay, esquire, *Falkirk Burghs*

*April 27*—John Holker, esquire, *Preston*

John Holms, esquire, and Henry Fawcett, esquire, *Hackney*

*May 1*—George Harley Kirk, esquire, *Louth*

*May 7*—Thomas Kemp Sanderson, esquire, *Wakefield*

*May 18*—John Edward Dorington, esquire, *Stroud*

*May 19*—Alfred John Stanton, esquire, *Stroud*

*May 21*—Henry Brinsley Sheridan, esquire, *Dudley*

*June 1*—Hon. Antony Evelyn Melbourne Ashley, *Poole*

*June 2*—George Ekins Browne, esquire, and John O'Connor Power, esquire, *Mayo*

*June 15*—Baron Kensington, *Haversfordwest*

Farrer Herschell, esquire, and Sir Arthur Edward Monck, baronet, *Durham City*

*June 19*—Mark John Stewart, esquire, *Wigton Burghs*

*June 23*—Charles Mark Palmer, esquire, *Durham County* (Northern Division)

*June 25*—Sir George Elliot, baronet, *Durham County* (Northern Division)

John Wingfield Malcolm, esquire, *Boston*

*July 2*—Michael Francis Ward, esquire, *Galway Borough*

*July 9*—James Henry Deakin, esquire, *Launceston*

*July 28*—Henry Robert Brand, esquire, *Stroud*

*Aug 3*—Sir William Augustus Fraser, baronet, *Kidderminster*

**Parliamentary and Municipal Franchises, Register of**

Question, Mr. Rathbone; Answer, Mr. Assheton Cross *April 16*, [218] 624

**Parliamentary Elections Act, 1868**

Question, Sir Charles W. Dilke; Answer, Mr. Disraeli *May 7*, [218] 1836

**Parliamentary Elections (Polling) Bill**

(Sir Charles W. Dilke, Mr. Anderson, Mr. Burt, Mr. Macdonald, Mr. Norwood)

c. Ordered; read 1<sup>o</sup> *Mar 20* [Bill 21]

Moved, "That the Bill be now read 2<sup>o</sup>" *Mar 25*, [218] 290

Amendt. to leave out "now," and add "upon this day six months" (Mr. Goldney); after debate, Question put, "That 'now,' &c.;" A. 126, N. 201; M. 75

Words added; main Question, as amended, put, and agreed to; Bill put off for six months

**Parliamentary Elections (Returning Officers) Bill**

(Sir Henry James, Sir William Harcourt)

c. Ordered; read 1<sup>o</sup> *April 15* [Bill 68]

Read 2<sup>o</sup>, after short debate, and committed to a Select Committee *April 28*, [218] 1339

And, on *May 5*, Committee nominated as follows:—Mr. Spencer Walpole (Chairman), Mr. Wentworth Beaumont, Mr. Donald Cameron, Sir Edward Colebrooke, Mr. Coope, Viscount Crichton, Mr. Dillwyn, Mr. Downing, Sir William Harcourt, Mr. Staveley Hill, Mr. Huddleston, Sir Henry James, Mr. Charles Lewis, Mr. Locke, Mr. Macartney, Sir Charles Mills, Mr. Norwood, Sir Colman O'Loughlin, Sir Charles Russell

Minutes of Proceedings *July 13*

(*Parl. P. No. 280*)

Report\*; Re-comm. *July 13* [Bill 204]

Question, Mr. Macartney; Answer, Sir Henry James *July 16*, [221] 132

Bill withdrawn *July 16*

**Parliamentary Relations (Great Britain and Ireland)—Home Rule**

Orders of the Day postponed *June 30*

Moved, "That this House will immediately resolve itself into a Committee to consider the present Parliamentary relations between Great Britain and Ireland" (Mr. Butt) *June 30*, [220] 700

After long debate, Moved, "That the debate be now adjourned" (*The O'Donoghue*); Motion agreed to; debate adjourned

Debate resumed *July 2*, 874; after long debate, Question put; A. 61, N. 458; M. 397

Division List, Ayes and Noes, 966

**Parliamentary Voters Registration (Ireland) Bill**

(Mr. Meldon, Sir John Gray, Mr. Sullivan, Mr. Synan)

c. Ordered; read 1<sup>o</sup> *April 17* [Bill 72]

Bill withdrawn *June 5*

**Parochial Records (Ireland) Bill [H.L.]**

(*The Earl of Belmore*)

l. Presented; read 1<sup>o</sup> *May 15* (No. 68)

Read 2<sup>o</sup>, after short debate *June 11*, [219] 1398

**Patent Laws—Legislation**

Question, Mr. Cawley; Answer, Mr. Assheton Cross *July 21*, [221] 391

**Patent Office Museum**

Question, Major Beaumont; Answer, Mr. W. H. Smith *April 17*, [218] 716; Question, Mr. Mundella; Answer, Mr. Disraeli *July 20*, [221] 296; Question, Mr. E. J. Reed; Answer, Lord Henry Lennox, 301

**Payment of Revising Barristers Bill—**

See title

**Revising Barristers (Payment) Bill**

*Peace of Europe*

Moved, That an humble Address be presented to Her Majesty for, Copies of any correspondence relating to the maintenance of the Peace of Europe with the Governments of the Emperor of Germany, the Emperor of Austria, the Emperor of Russia, and the French Republic which can be communicated without injury to the public service (*The Earl Russell*) May 4, [218] 1564; after short debate, Motion withdrawn

PEASE, Mr. J. W., *Durham, S.*

Customs Writers—Salaries, [218] 1585  
Education Department—Revised Code, Res. [218] 1717  
218] Intoxicating Liquors, Leave, 1247  
219] 2R. 89; Comm. 995; *cl.* 2, 1003, 1006, 1024, 1031; *cl.* 19, 1180; *cl.* 28, 1184, 1187; *add. cl.* 1195; *Consid. cl.* 26, Amendt. 1704, 1708; Amendt. 1714; Amendt. 1722  
220] 81; *cl.* 4, 97; *cl.* 27, 117, 172  
Juries, Comm. *cl.* 50, [219] 300  
Local Authorities Receipts and Expenditure, 1872—School Boards, [219] 479  
Parliament—Business of the House, Res. [219] 1409  
Parliament—Public Business—Orders of the Day, Res. [219] 1168  
Supply—Report—Greenwich Hospital and School, [220] 1488  
Valuation of Property, Comm. *cl.* 3, [220] 186, 643, 651, 654, 665  
Ways and Means—Report, [218] 1194, 1195

PEEK, Sir H. W., *Surrey, Mid.*

Adulteration of Food Act, [221] 550  
Convict Prisons, Officers of, [219] 616  
Juries, Comm. *cl.* 5, [219] 289  
Metropolis—New Street between Gracechurch Street and Fenchurch Street, [220] 1349

PEEL, Mr. A. W., *Warwick Bo.*

Merchant Shipping Survey, 2R. [220] 355  
Poor Law—Emigration of Children to Canada, [219] 1057

PELL, Mr. A., *Leicestershire, S.*

Agricultural Tenants, Security for Improvements by, Res. [220] 202  
Education Department—Agricultural Children Act, [221] 206  
Factories (Health of Women, &c.), Comm. *cl.* 14, [220] 333  
Game Laws (Scotland), 2R. [218] 1387  
Juries, Comm. *cl.* 42, [219] 294  
Local Taxation—Lunatics—Police, [220] 873  
Municipal Boroughs (Auditors and Assessors), 2R. Amendt. [219] 593  
Parliament—Address in Answer to the Speech, [218] 91  
Public Works Loans, [218] 1674  
Public Worship Regulation, 2R. [220] 1439; Comm. *cl.* 8, [221] 255  
Rabbits, 2R. [220] 61  
Registration of Births and Deaths, 2R. [219] 283  
Sanitary Laws Amendment, Comm. add. *cl.* [220] 1499  
Supply—Public Education, [219] 1651

PELL, Mr. A.—*cont.*

Valuation of Property, Comm. *cl.* 3, [220] 648, 651; *cl.* 4, 666; Amendt. 667; *cl.* 6, 668, 669; Amendt. *ib.*; Amendt. 670; *add. cl.* 673  
Ways and Means, Comm. Motion for reporting Progress, [218] 1059; Report, 1182

PEMBERTON, Mr. E. L., *Kent, E.*

Public Worship Regulation, 2R. Motion for Adjournment, [220] 1440, 1441

PEMBROKE, Earl of

Army—Boxer-Shrapnel Shell, The, [219] 1494  
Crimea, British Cemeteries in the, [221] 1397  
Militia Returns, [221] 286  
Army and Militia, Address for Returns, [219] 735  
Army—Militia Recruiting, Address for Returns, [218] 225  
Army—Royal Warrant, 1871—First Commissions, Address for a Paper, [221] 1391, 1393, 1395  
Metropolitan Improvements—The New Government Offices—Knightsbridge Barracks, [221] 1403  
Public Worship Regulation, Commons Amendt. *Consid. cl.* 13, [221] 1255  
Royal (late Indian) Ordnance Corps Compensation, 2R. [221] 962

PENDER, Mr. J., *Wick, &c.*

Post Office—Mails to the North of Scotland, [221] 1335

PENRHYN, Lord

Army—Royal Warrant, 1871—First Commissions, Address for a Paper, [221] 1392  
Rating, Comm. *cl.* 6, [221] 544

PENZANCE, Lord

Army—Royal Warrant, 1871—First Commissions, Address for a Paper, [221] 1392  
Infanticide, 2R. [221] 542; Comm. 849  
Judicature and Appeal (Scotland and Ireland), 1R. [218] 1830  
Public Worship Regulation, Comm. *cl.* 7, [219] 958  
Supreme Court of Judicature Act (1873) Amendment, 2R. [219] 1037, 1038; Comm. 1363; *cl.* 10, Amendt. 1669, 1671; Amendt. 1672

PERKINS, Sir F., *Southampton*

Metropolis—Playgrounds for Children, [219] 268  
Post Office—West India Mails, [219] 1587

Permissive Prohibitory Liquor Bill

(*Sir Wilfrid Lawson, Sir Thomas Basley, Mr. Downing, Mr. Richard, Mr. Dalway, Mr. Charles Cameron, Mr. William Johnston*)  
c. Considered in Committee; Resolution agreed to, and reported; Bill ordered; read 1<sup>st</sup> Mar 20 [Bill 9]  
Moved, "That the Bill be now read 2<sup>nd</sup>" June 17, [220] 2

[cont.]

[cont.]

*Permissive Prohibitory Liquor Bill*—cont.

Amendt. to leave out "now," and add "upon this day three months" (*Mr. Wheelhouse*); Question proposed, "That 'now,' &c.;" after long debate, Question put; A. 75, N. 301; M. 226

Words added; main Question, as amended, put, and agreed to; 2R. put off for three months

Division List, A. and N., 58

**Personation Bill**

(*Mr. George Clive, Sir Charles Forster*)

c. Ordered; read 1<sup>o</sup> \* June 10 [Bill 146]

Read 2<sup>o</sup> \* June 17

Committee \*; Report June 24

Read 3<sup>o</sup> \* June 25

l. Read 1<sup>o</sup> \* (*Lord Aberdare*) June 26 (No. 138)

Read 2<sup>o</sup>, after short debate July 9, [220] 1340

Committee \*; Report July 14

Read 3<sup>o</sup> \* July 16

Royal Assent July 30 [37 & 38 Vict. c. 36]

*Peru—The Guano Deposits*

Question, Mr. M'Lagan; Answer, Mr. Bourke April 27, [218] 1179; Question, Mr. Wheelhouse; Answer, Mr. Bourke May 14, [219] 274; Question, Mr. M'Lagan; Answer, Mr. A. F. Egerton May 22, 699

Reports . . . . . [947] [988] [1049]

**PETERBOROUGH, Bishop of**

Intoxicating Liquors, Comm. cl. 3, [220] 1200

\* Patronage in the Church of England, Motion for a Committee, [218] 900

Public Worship Regulation, 2R. [219] 22, 24; Comm. 946, 950; Re-comm. cl. 8, 1122, 1125, 1127; cl. 9, 1144, 1147; cl. 22, Amendt. 1569

**Petty Sessions Courts (Ireland) Bill**

(*Mr. OSullivan, Mr. French, Mr. Ronayne, Captain Nolan, Mr. Power*)

c. Ordered; read 1<sup>o</sup> \* May 4 [Bill 87]

Bill withdrawn \* July 1

**Pier and Harbour Orders Confirmation**

Bill [H.L.] (*The Lord Dunmore*)

l. Presented; read 1<sup>o</sup> \* April 27 (No. 37)

Read 2<sup>o</sup> \* May 11

Committee \* June 15

Report \* June 16

Read 3<sup>o</sup> \* June 22

Commons Amendts.

(No. 209)

c. Read 1<sup>o</sup> \* June 25 [Bill 169]

Read 2<sup>o</sup> \* June 29

Committee discharged \* July 8

Report \*; Re-comm. July 24 [Bill 229]

Committee \*; Report July 27

Considered \* July 28

Read 3<sup>o</sup> \* July 29

l. Royal Assent August 7 [37 & 38 Vict. c. clxxxv]

**PIM, Captain B., Gravesend**

Mauritius, The—Magistracy, [220] 699

Merchant Shipping Act—Loss of the "Thistle"

Steamer, [221] 623

Navy—H.M.S. "Raleigh," [221] 1031

Randolph, Rear-Admiral, [221] 296

**PLAYFAIR, Right Hon. Mr. Lyon, Edinburgh and St. Andrew's Universities**

Births and Deaths, Registration of—Legislation, [218] 712

Church Patronage (Scotland), 2R. [220] 1151;

Comm. [221] 678; cl. 3, 689, 691, 695, 698,

701; Motion for reporting Progress, 703;

cl. 5, 839; cl. 7, Amendt. 842; cl. 9, Amendt.

ib.; Consid. cl. 3, 1098

Education Department—Revised Code, Res. [218] 1713

Education—Science and Art—Minister of Education, Motion for a Committee, [219] 1589, 1623

Elementary Education (Compulsory Attendance), 2R. [220] 843

Endowed Schools Acts Amendment, 2R. [220] 1686; Comm. cl. 1, [221] 580; cl. 4, 604

Factories (Health of Women, &c.), 2R. [219] 1470

Ireland—National Education Commissioners—

Callan Schools, Res. [219] 895

Irish Fisheries, Res. [218] 1516

Judges of the Supreme Courts (Scotland)—Salaries, [221] 120

Post Office—East India, China, and Japan Mails Contract, Res. [221] 1318

Post Office—West India Mail Contract, Res. [221] 1306

Registration of Births and Deaths, 2R. [219] 278; Comm. cl. 38, Amendt. [221] 610

Rivers Pollution Commission, [221] 1145

Spirituous Liquors (Scotland), 2R. [219] 576

Supply—Post Office Services, [219] 1656; [221] 828

Sub-Wealden Exploration, [221] 824

University Female Education, [219] 1540

Vaccination Act, 1871, Amendment, 2R. [221] 837

**PLIMSOLL, Mr. S., Derby Bo.**

Merchant Shipping Act—Unseaworthy Ships, [220] 1221

Merchant Shipping Survey, 2R. [220] 344, 381

**PLUNKET, Hon. D. R., Dublin University**

Controverted Elections (Ireland)—Mr. Justice Lawson, Res. [218] 1900

Court of Judicature (Ireland), 2R. [220] 1269

Foyle College, Comm. [221] 381

Ireland—Dublin University, Res. [221] 1875

Municipal Privileges (Ireland), Comm. [220] 129

Poor Law Guardians (Ireland), 2R. Motion for Adjournment, [220] 129

**PLUNKETT, Hon. R. E., Gloucester, W.**

Dean Forest, Motion for a Committee, [218] 931

Household Franchise (Counties), 2R. [219] 233

Irish Judicial Bench—Appointment of Judges,

Motion for an Address, [220] 438

Valuation (Ireland) Act Amendment, 2R. [220] 283

**Police Force [Expenses] Bill**

(*Mr. Raikes, Mr. Secretary Cross, Mr. William Henry Smith*)

**c. Considered in Committee July 13**

Bill ordered \* *July 14*

Read 1<sup>o</sup> \* *July 16*

[Bill 211]

Read 2<sup>o</sup> \* *July 17*

Order for Committee read; Moved, "That Mr. Speaker do now leave the Chair" (*Mr. W. H. Smith*) *July 21*, [221] 487

Amendt. to leave out from "That," and add "this House will, To-morrow, resolve itself into the said Committee" (*Mr. Fawcett*) v.; Question proposed, "That the words, &c.;"

Amendt. withdrawn

Main Question, "That Mr. Speaker, &c.," put, and agreed to; Committee; Report

Read 3<sup>o</sup> \* *July 23*

**l. Read 1<sup>o</sup> \* (The Lord President) July 24**

Read 2<sup>o</sup> \* *July 28*

(No. 199)

Committee \*; Report *July 30*

Read 3<sup>o</sup> \* *July 31*

Royal Assent *August 7* [37 & 38 Vict. c. 58]

**Police Superannuation**

Question, Mr. Bruce; Answer, Mr. Assheton Cross *July 9*, [220] 1354

*Metropolitan Police—Ex-Constable Goodchild,*

Question, Sir Charles W. Dilke; Answer, Mr. Assheton Cross *April 16*, [218] 625

**Poor in London—Dwellings of**

Address for "Copy of memorial on the Improvement of the Dwellings of the Poor in London from the Royal College of Physicians to the First Lord of the Treasury:

"Copies of memorials on the Improvement of the Dwellings of the Poor in London to the Secretary of State for the Home Department from the Council of the Charity Organization Society, and from a Committee of members of both Houses of Parliament, and of representatives of societies, trustees, and others interested in improving such dwellings" (*Lord Napier and Ettrick*) *April 23*, [218] 983; after short debate, Motion agreed to

*Withdrawal of Notice (Lord Napier and Ettrick)* *May 11*, [219] 1

**Poor Law**

*Case of the Woman Day*, Questions, Dr. Lush, Mr. Dixon; Answers, Mr. Sclater-Booth *May 7*, [218] 1834

*Dewsbury Union*, Question, Mr. Serjeant Simon; Answer, Mr. Sclater-Booth *July 23*, [221] 555

*Emigration of Children to Canada*, Question, Mr. A. Peel; Answer, Mr. Sclater-Booth *June 5*, [219] 1057

*Pauper and Industrial School Districts*, Question, Mr. Fawcett; Answer, Mr. Sclater-Booth *August 5*, [221] 1336

**Poor Law (Scotland)**

*Pauper Lunatics*, Question, Mr. Grieve; Answer, The Chancellor of the Exchequer *July 30*, [221] 969

*Poor Law—Catholic Inmates of Workhouses*, Question; Mr. Owen Lewis; Answer, The Lord Advocate *June 25*, [220] 421

**Poor Law—Pauper Children**

Moved, "That there be laid before the House, Return of the number of orphan and deserted pauper children boarded-out on 1st of July 1874 in different Unions in England and Wales, distinguishing those boarded-out under the regulations of the Local Government Board from those placed out within the Union but not under those regulations; also the number on the same day of pauper children in each of the district schools at Anerley and Hanwell, showing in both cases the average cost per week of each child to the ratepayers; and also a statement showing the average cost per week of a pauper maintained in a workhouse in the Metropolis and also in the other Unions in England and Wales" (*The Earl De La Warr*) *June 23*, [220] 289; after short debate, Motion agreed to

**Poor Law—St. Pancras Union—Mortality of Young Children**

Question, Observations, Earl De La Warr; Reply, Lord Walsingham *June 15*, [219] 1673

Moved, "That there be laid before this House Report of the Inspector of the Local Government Board on the subject of the high rate of mortality among infants in the workhouse of the Parish of St. Pancras during the past year" (*The Earl De La Warr*); Motion agreed to (Return—P.P. 119)

**Poor Law Amendment (Removal) Bill**  
(*The Lord Hartismere*)**l. Presented; read 1<sup>o</sup> \* July 10** (No. 168)

Bill withdrawn, after short debate *July 27*, [221] 754

**Poor Law Guardians (Ireland) Bill**

(*Sir Colman O'Loughlen, The O'Connor Don, Mr. Callan*)

**c. Ordered; read 1<sup>o</sup> \* May 7** [Bill 95]

Moved, "That the Bill be now read 2<sup>o</sup>" *June 18*, [220] 129

Moved, "That the Debate be now adjourned" (*Mr. Plunket*); Question put; A. 67, N. 39;

M. 28; debate adjourned

Bill withdrawn \* *July 3*

**Poor Relief (Ireland) Bill**

(*Mr. O'Shaughnessy, Mr. Butt, Mr. Downing, Mr. Redmond, Mr. Browne*)

**c. Ordered; read 1<sup>o</sup> \* Mar 30** [Bill 57]

Moved, "That the Bill be now read 2<sup>o</sup>" *May 19*, [219] 531

Amendt. to leave out "now," and add "upon this day six months" (*Mr. Kavanagh*); after short debate, Question, "That 'now,' &c.," put, and negatived

Words added; main Question, as amended, put, and agreed to; 28. put off for six months

**PORTMAN, Viscount**

Contagious Diseases (Animals) — Regulations for Great Britain and Ireland, [220] 133  
Cruelty to Animals Law Amendment, 2R. Amendt. [220] 858  
Glebe Lands Sale, 2R. Amendt. [220] 1076  
Wild Birds Law Amendment, Comm. [220] 505

**POST OFFICE**

**MISCELLANEOUS QUESTIONS**

*Dolgelly Postal District*, Question, Mr. Holland; Answer, Lord John Manners *July 17*, [221] 204  
*Halfpenny Book Post*, Question, Mr. Welby; Answer, Lord John Manners *June 25*, [220] 419

**Mail Contracts**

*East India, China, and Australian Mails—Contract with the Peninsular and Oriental Steam Navigation Company*, [219] 1587; Question, Mr. David Jenkins; Answer, Lord John Manners *July 21*, [221] 393; Question, Mr. W. Holmes; Answer, Lord John Manners *July 24*, 624 (See title post)  
*West India Mails—Royal Mail Steam Packet Company's Contract*, Question, Mr. Torr; Answer, Lord John Manners *May 11*, [219] 73; Question, Mr. Bates; Answer, Lord John Manners *June 5*, 1058; Question, Sir Frederick Perkins; Answer, Lord John Manners *June 15*, 1587; Question, Mr. David Jenkins; Answer, Lord John Manners *June 30*, [220] 698 (See title post)

*Mail Service in the North of Scotland*, Question, Sir Tollemache Sinclair; Answer, Lord John Manners *July 3*, [220] 995; Question, Observations, The Duke of Sutherland; Reply, The Earl of Bradford *July 23*, [221] 547; Question, Mr. Pender; Answer, Mr. W. H. Smith *August 5*, 1335

*Mr. Herring's Invention*, Question, Mr. W. M. Torrens; Answer, Lord John Manners *July 21*, [221] 394

*Money Order Offices*, Question, Mr. G. Browne; Answer, Lord John Manners *Mar 30*, [218] 406

*Postage to the United States—Penny Postal Cards*, Question, Mr. Seely; Answer, Lord John Manners *May 1*, [218] 1494; *May 12*, [219] 174; *May 14*, 273

*Postal Facilities in Mayo*, Observations, Question, Mr. Tighe; Answer, Lord John Manners; short debate thereon *April 24*, [218] 1129

*Post Office Servants—Salaries*, Question, Mr. Roebuck; Answer, The Chancellor of the Exchequer *May 4*, [218] 1582; Question, Mr. Forsyth; Answer, Lord John Manners *May 21*, [219] 618; Question, Mr. Mundella; Answer, Lord John Manners *July 27*, [221] 760

*Rates of Postage between England and Italy*, Question, Dr. Lush; Answer, Lord John Manners *July 28*, [221] 851

*Registration of Letters*, Question, Mr. Monk; Answer, Lord John Manners *Mar 23*, [218] 233

**POST OFFICE—cont.**

*Savings Bank Department*, Question, Mr. Coope; Answer, Lord John Manners *Mar 31*, [218] 482; Question, Colonel Egerton Leigh; Answer, Lord John Manners *June 19*, [220] 155  
*Sorting Offices*, Question, Mr. Naghten; Answer, Lord John Manners *June 12*, [219] 1497

**Telegraphic Department**

*Capital and Expenditure*, Question, Mr. McLaren; Answer, The Chancellor of the Exchequer *July 24*, [221] 622

*Charges for Telegraphic Messages*, Question, Mr. Charles Lewis; Answer, Lord John Manners *Mar 26*, [218] 339

*Telegraphic Communication with the Channel Islands*, Question, Mr. Locke; Answer, Lord John Manners *Mar 23*, [218] 231

*Telegraphic Communication with Ireland*, Question, Sir Arthur Guinness; Answer, Lord John Manners *July 21*, [221] 390

**Post Office—East India, China, and Japan Mails Contract**

Moved, "That the Contract entered into between the Postmaster General and the Peninsular and Oriental Steam Navigation Company for the conveyance of the East India, China, and Japan Mails be approved" (Mr. William Henry Smith) *August 4*, [221] 1307

Amendt. to leave out "approved," and add "not approved this Session" (Mr. Rathbone) v.; Question proposed, "That the word, &c.," after short debate, Question put; A. 145, N. 23; M. 122

Main Question put, and agreed to  
The Contract . . . Parl. P. 301, 351

**Post Office—West India Mail Contract**

Moved, "That the Contract entered into with the Royal Mail Steam Packet Company for the conveyance of Mails to and from the West Indies be approved" (Mr. William Henry Smith) *August 4*, [221] 1301; after short debate, Motion agreed to

Moved, "That the further Contract between the Postmaster General and the Royal Mail Steam Packet Company, under which it is provided that the Vessels of the Royal Mail Steam Packet Company shall call at Plymouth on their homeward voyage to land the Mails, be approved" (Mr. William Henry Smith) *August 4*, 1302

Amendt. to leave out from "That," and add "so much of the West India Mail Contract as authorises the sum of £2,000 per annum for calling at Plymouth with the homeward Mails be not sanctioned" (Mr. David Jenkins) v.; Question proposed, "That the words, &c.," after short debate, Amendt. withdrawn; main Question put, and agreed to

The Contract . . . Parl. P. 300

**Public Health (Ireland) Bill**

(*Sir Michael Hicks-Beach, Mr. Attorney General for Ireland*)

- c. Ordered; read 1<sup>o</sup> \* *Mar 27* [Bill 53]  
 Read 2<sup>o</sup>, after debate *May 21*, [219] 667  
 Committee \*; Report *June 19* [Bill 161]  
 Re-comm.; Report *July 13*, [220] 1604  
 Committee \*; Report *July 16* [Bill 210]  
 Considered \* *July 21*  
 Read 3<sup>o</sup> \* *July 22*  
 l. Read 1<sup>o</sup> \* (*The Lord President*) *July 23*  
 Read 2<sup>o</sup> \* *July 27* (No. 195)  
 Committee \* *July 30*  
 Report \* *July 31*  
 Read 3<sup>a</sup> \* *August 3*  
 Royal Assent *August 7* [37 & 38 Vict. c. 93]

**Public Health (Scotland) Act—County Constables**

Question, *Sir Wyndham Anstruther*; Answer, *Mr. Assheton Cross* *Mar 27*, [218] 346;  
*April 23*, 990

**Public Health (Scotland) Supplemental Bill**

(*The Lord Advocate, Sir Henry Selwin-Ibbetson*)

- c. Ordered; read 1<sup>o</sup> \* *May 14* [Bill 106]  
 Read 2<sup>o</sup> \* *May 21*  
 Committee \*; Report *June 8*  
 Read 3<sup>o</sup> \* *June 11*  
 l. Read 1<sup>o</sup> \* (*Lord Steward*) *June 11* (No. 106)  
 Read 2<sup>o</sup> \* *June 19*  
 Committee \*; Report *June 22*  
 Read 3<sup>a</sup> \* *June 23*  
 Royal Assent *June 30* [37 & 38 Vict. c. xx]

**Public Meetings (Ireland) Bill**

(*Mr. P. J. Smyth, Mr. Ronayne, Mr. McCarthy Downing*)

- c. Ordered; read 1<sup>o</sup> \* *Mar 20* [Bill 23]  
 Moved, "That the Bill be now read 2<sup>o</sup>"  
*May 20*, [219] 585  
 Amendt. to leave out "now," and add "upon this day six months" (*Mr. Attorney General for Ireland*); Question proposed, "That 'now,' &c.;" after short debate, Question put; A. 84, N. 216; M. 132  
 Words added; main Question, as amended, put, and agreed to; Bill put off for six months

**Public Office Libraries—Duplicate Books, &c.**

Question, *Mr. Wheelhouse*; Answer, *Mr. W. H. Smith* *June 12*, [219] 1498

**Public Salaries, Pensions, Grants, &c.**

Moved, "That there be laid before this House, Returns of all Persons in England, Scotland, Ireland, the Channel Islands, Colonies, and British Possessions abroad, receiving Salaries, Pensions, Pay, Profits, Fees, Emoluments, Allowances, or Grants of Public Money in the year ending the 31st day of March 1874, to the amount of £150 and upwards: and, of the total number of Persons in each Department in receipt of less

[cont.]

**Public Salaries, Pensions, Grants, &c.—cont.**

than £150, with the aggregate amount paid to them, the form and particulars to be in continuation of Parliamentary Paper No. 100, of Session 1862, with the additions specified as to the number of persons in receipt of less than £150 per annum" (*Mr. Mellor*) *July 27*, [221] 844; Question put; A. 14, N. 68; M. 54

**Public Works Loan Commissioners (Loans to School Boards) Bill**

(*Mr. Raikes, Viscount Sandon, Mr. William Henry Smith*)

- c. Considered in Committee *Mar 24*  
 Bill ordered; read 1<sup>o</sup> \* *Mar 25* [Bill 46]  
 Read 2<sup>o</sup> \* *Mar 30*  
 Committee \*; Report *Mar 31*  
 Read 3<sup>o</sup> \* *April 13*  
 l. Read 1<sup>o</sup> \* (*The Lord President*) *April 14*  
 Read 2<sup>o</sup> \* *May 4* (No. 23)  
 Committee \*; Report *May 5*  
 Read 3<sup>a</sup> \* *May 7*  
 Royal Assent *May 21* [37 Vict. c. 9]

**Public Works (Loans)—Returns**

Question, *Mr. Whitwell*; Answer, *Mr. W. H. Smith* *April 24*, [218] 1096

**Public Worship Facilities Bill**

(*Mr. Salt, Mr. Cawley*)

- c. Considered in Committee; Resolution agreed to, and reported; Bill ordered; read 1<sup>o</sup> \*  
*Mar 20* [Bill 27]  
 2R. put off, after short debate *April 27*, [218]

**Invocation of Saints—Altar Cards, Question.**

*Earl Nelson*; Answer, *The Archbishop of Canterbury* *May 8*, 1921  
 Bill withdrawn \* *July 16*

**Public Worship Regulation Bill [H.L.]**

(*The Archbishop of Canterbury*)

- 218) l. Presented; read 1<sup>a</sup>, after debate *April 20*, 786 (No. 30)  
 219) Read 2<sup>a</sup>, after long debate *May 11*, 2  
 Re-comm. \* *May 12* (No. 62)  
 . Moved, That the House do now resolve itself into a Committee *June 4*, 920  
 Amendt. to leave out from ("that") and insert ("Whereas in the Royal Declaration prefixed to the 'Articles of Religion,' it is set forth, 'That if any difference arise about the external policy concerning the injunctions, canons, and other constitutions whatsoever thereto belonging, the clergy, in their convocations, are to order and settle them, having first obtained leave under our Broad Seal so to do, and we approving their said ordinances and constitutions, providing that none be made contrary to the laws and customs of the land :  
 "That out of our princely care that the churchmen may do the work which is proper unto them, the bishops and clergy from time to time in convocation, upon their humble desire, shall have license under our Broad Seal to deliberate of and to do all such things as being made plain and assented unto by us

[cont.]



*Public Worship Regulation Bill—cont.*

shall concern the settled continuance of the doctrine and discipline of the Church of England now established, from which we will not endure any varying or departing in the least degree

"And whereas such differences have arisen and have not yet been so ordered and settled :

"This House, while admitting the present unsatisfactory state of the laws ecclesiastical, is of opinion that exceptional legislation is not now desirable, but rather calculated to promote vexatious litigation" (*The Earl of Limerick*); after long debate, Motion withdrawn

Amendt. moved to leave out from ("that") and insert ("This House while recognising the importance of a revision of the law for the restraint of ecclesiastical offences considers it inexpedient to proceed with the said Bill at present") (*The Duke of Marlborough*); on Question, That ("now,") &c.; Cont. 137, Not-cont. 29; M. 108; resolved in the affirmative

219] Division List, Cont. and Not-cont. 952

Committee; Moved, That the House be resumed; objected to; and Motion withdrawn  
Committee (*on re-comm.*) June 8, 1120  
Committee (*on re-comm.*) June 9, 1264 (No. 96)  
Committee (*on re-comm.*) June 15, 1569

220] Report June 19, 141 (No. 123)

Read 3<sup>d</sup>, after debate June 25, 390

c. Read 1<sup>st</sup> (*Mr. Russell Gurney*) June 26

[Bill 176]

Moved, "That the Bill be now read 2<sup>d</sup>"  
July 9, 1355

Amendt. to leave out from "That," and add "it is inexpedient to proceed further with a measure for amending the administration of the Law in regard to offences against the Rubrics of the Book of Common Prayer while that Law is in an uncertain condition" (*Mr. Hall*) v.; Question proposed, "That the words, &c.;" after 'debate, Moved, "That the Debate be now adjourned" (*Mr. Childers*); after further short debate, Question put; A. 114, N. 275; M. 161

Original Question again proposed; Moved, "That this House do now adjourn" (*Mr. Pemberton*), 1440; after short debate, Question put; A. 61, N. 304; M. 243

Original Question again proposed; Moved, "That the Debate be now adjourned" (*Colonel Makins*); after short debate, Question put; A. 112, N. 188; M. 76

Original Question again proposed; Moved, "That the Debate be now adjourned" (*Mr. Cawley*); Motion agreed to; Debate adjourned

Question, Mr. Newdegate; Answer, The Chancellor of the Exchequer July 10, 1476

*State and Progress of Public Business*, Ministerial Statement, Mr. Disraeli July 13, 1523

Orders of the day postponed July 15, [221] 3; Standing Orders respectingittings of the House on Wednesdays suspended till debate on the Bill disposed of

221] Adjourned Debate resumed July 15, 13; after long debate, Question put, and agreed to Main Question put, and agreed to; Bill read 2<sup>d</sup>

[cont.

*Public Worship Regulation Bill—cont.*

221] Observations, Mr. Gladstone; Question, Mr. Horsman; Reply, Mr. Disraeli July 16, 118

Order for Committee read July 17, 208

Moved, "That it be an Instruction to the Committee, that they have power to make provision for extending the said Bill to all offences by Clerks in Holy Orders against the Law Ecclesiastical, and to repeal the Act 3 and 4 Victoria, cap. 8, for better enforcing Church Discipline" (*Mr. Lowe*); after short debate, Motion withdrawn

Moved, "That Mr. Speaker do now leave the Chair" (*Mr. Russell Gurney*), 220

Amendt. to leave out from "That," and add "in the opinion of this House, it is desirable that so soon as a vacancy shall from time to time occur in the office of Vicar General and Official Principal of each of the Provincial and of the Diocesan Courts in England and Wales, the judge to be appointed under this Act shall become ex officio such Vicar General and Official Principal, and that the salary of such judge shall be paid out of the fees now payable to the said Vicars General and Officials Principal" (*Mr. Monk*), v.; Question proposed, "That the words, &c.;" after further short debate, Amendt. withdrawn

Main Question, "That Mr. Speaker, &c.," put, and agreed to; Committee—A.P.

Committee—A.P. July 17, 247

*State and Progress of Public Business*, Ministerial Statement, Mr. Disraeli July 24, 625;

Moved, "That this House do now adjourn" (*Mr. Gladstone*); after debate, Motion withdrawn

Committee; Report July 28, 873 [Bill 236]

Considered July 31, 1043, 1080

Read 3<sup>d</sup>, after debate August 3, 1152

1. Commons Amendts. considered August 4, 1226

Some of the Amendts. agreed to; some agreed to, with Amendts.; some disagreed to; and a Committee appointed to prepare Reasons to be offered to the Commons for the Lords disagreeing to some of the said Amendts. The Committee to meet forthwith. Report from the Committee of the Reasons, read, and agreed to; and a Message sent to the Commons to return the said Bill with the Amendts. and Reasons

2. Lords Reasons for disagreeing to certain of the Commons Amendts. considered August 5, 1337

Moved, "That this House doth not insist upon their Amendts. to which the Lords have disagreed; and doth agree to the Lords Amendts. to the Commons Amendts. to the Bill" (*Mr. Russell Gurney*); after long debate, Question put, and agreed to

3. Returned from the Commons with the Amendts. to which the Lords have disagreed not insisted on, and the Amendts. made by the Lords to the Amendts. made by the Commons agreed to August 6

Personal Explanation, The Marquess of Salisbury; short debate thereon August 6, 1397

Lords Reasons (No. 240)

Royal Assent August 7 [37 & 38 Vict. c. 85

**Public Worship Regulation [Consolidated Fund, &c.]**

Order for Committee thereupon read; Moved, "That Mr. Speaker do now leave the Chair" (*Mr. W. H. Smith*) July 29, [221] 908  
 Moved, "That the debate be now adjourned" (*Mr. Dillwyn*); after short debate, Question put, and negative  
 Original Question put, and agreed to; Matter considered in Committee  
 Moved, "That it is expedient to authorise the payment, out of the Consolidated Fund of the United Kingdom, of the Salary of any Judge, and, out of moneys to be provided by Parliament, of the Salaries and Expenses of any Officers, appointed under any Act of the present Session for the Regulation of Public Worship" (*Mr. William Henry Smith*); after short debate, Moved, "That the Chairman report Progress, and ask leave to sit again" (*Mr. Dillwyn*); after further short debate, Question put; A. 34, N. 72; M. 38  
 Original Question put; A. 74, N. 42; M. 32  
 Order for receiving Report thereupon read July 31, 1042  
 Moved, "That the Order for receiving the said Report be discharged" (*Mr. Disraeli*); after short debate, Question put, and agreed to; Order discharged

**Public Petitions (Preparation and Presentation) Act (1661) Repeal Bill**

(*Sir George Bowyer, Mr. Serjeant Simon*)

c. Ordered; read 1<sup>o</sup> June 8 [Bill 141]  
 2R. [Dropped]

**Queen Anne's Bounty**

Moved, "That it is expedient that the payment of First Fruits to the Governors of Queen Anne's Bounty should be abolished, and that there should be a revaluation of all dignities and benefices in England and Wales, with a view to an equitable readjustment of Tenths on a moderate and graduated scale" (*Mr. Monk*) August 5, [221] 1380

[House counted out]  
 "First Fruits" and "Tenths" of the Clergy, Observations, *Mr. Monk* July 10, [220] 1500 [House counted out]; Question, *Mr. Monk*; Answer, *Mr. Assheton Cross* August 7, [221] 1422

**Rabbits Bill**

(*Mr. Pell, Sir Wyndham Anstruther, Mr. Walsh, Mr. Montgomerie*)

c. Ordered; read 1<sup>o</sup> May 11 [Bill 100]  
 Moved, "That the Bill be now read 2<sup>o</sup>" June 17, [220] 61  
 Amendt. to leave out "now," and add "upon this day three months" (*Mr. M'Combie*); Question proposed, "That 'now,' &c.;" after short debate, Debate adjourned  
 Bill withdrawn \* June 18

**RAIKES, Mr. H. C. (Chairman of Committees of Ways and Means), Chester**

Church Patronage (Scotland), Comm. cl. 3, [221] 687; cl. 7, 841, 842; cl. 9, 843  
 Endowed Schools Acts Amendment, Comm. cl. 1, [221] 507, 514, 537; Preamble, 649  
 Expiring Laws Continuance, Comm. [221] 1010, 1011; cl. 2, 1013, 1018, 1019; Schedule, *ib.* 1022  
 Game Birds (Ireland), Comm. cl. 1, [218] 1338  
 Great Southern of India and Carnatic Railway Companies (No. 2), 3R. [219] 1496  
 Intoxicating Liquors, Comm. cl. 2, [219] 1078, 1089; *add.* cl. 1187  
 Juries, Comm. cl. 42, [219] 294; cl. 53, 679  
 Metropolitan Board of Works, 2R. [218] 405  
 Navy Estimates—Dockyards, &c. at Home and Abroad, [219] 431  
 Public Worship Regulation, 2R. [221] 75; cl. 6, 234; cl. 8, 267; Consider. cl. 13, Amendt. 1095  
 Standing Order 175, Amendt. [221] 965  
 Supply—Charitable Donations and Bequests Office, Ireland, [219] 349  
 Criminal Prosecutions, &c. Ireland, [219] 359  
 Government Prisons, &c. Ireland, [219] 363  
 National Gallery, [221] 818  
 Rating on Government Property, &c. [221] 805  
 Salaries of Colonial Governors, [220] 474  
 Supreme Court of Judicature Act (1873) Amendment, Comm. cl. 4, [221] 162  
 Valuation of Property, Comm. cl. 3, [220] 186, 641

**Railway Accidents**

Moved, That there be laid before the House Copy of Board of Trade Circular to Railway Companies, dated February 1874, and the correspondence which followed thereon: Also for, Copy of correspondence between the Board of Trade and Lancashire and Yorkshire Railway Company with reference to legal proceedings in consequence of default of return of accidents (*The Earl De La Warr*) Mar 24, [218] 259; after short debate, Motion amended, and agreed to  
 (*Parl. P.* 27)

**Railway Companies Bills — Compulsory Powers**

Moved to resolve, That whereas applications are now frequently made to Parliament by Railway Companies for power to construct short lines for the development or improvement of lands, mines, or manufactories, the immediate object and direct effect of such lines being to enhance the value of particular private properties, and as it has not been the practice of Parliament to give compulsory powers to one person to take the lands of another for his private advantage, it is unjust and inexpedient that powers which would be refused to individuals on their own application should be obtained by them indirectly through the intervention of Railway Companies (*The Chairman of Committees*) May 8, [218] 1903; after short debate, Motion withdrawn

**Railway Department, Board of Trade—  
Captain Tylor**

Question, Mr. Goldsmid; Answer, Sir Charles Adderley *May 7*, [218] 1842; Question, Observations, Mr. Goldsmid; Reply, Sir Charles Adderley; short debate thereon *May 15*, [219] 329

**Railway Servants**

Moved for, Returns on the 1st May of the number of persons employed on each of the Railways of the United Kingdom (classified according to the nature of the work performed by them) (*The Earl of Aberdeen*) *Mar 24*, [218] 264; Motion amended, and agreed to

**Accidents to Railway Servants**, Question, Mr. Bass; Answer, Sir Charles Adderley *April 17*, [218] 714

**Railways**

**Lamps in Railway Carriages**, Question, Mr. Agg-Gardner; Answer, Sir Charles Adderley *May 1*, [218] 1494

**Legislation**, Question, Mr. Bentinck; Answer, Sir Charles Adderley *April 17*, [218] 710

**Railway Accidents**, Questions, Lord Cottesloe, The Duke of Somerset; Answers, The Duke of Richmond *May 22*, [219] 696;—*Reports of Inspectors*, Question, Mr. Horsman; Answer, Sir Charles Adderley *Mar 24*, [218] 269

**Railways—Address for a Commission**

Moved, That an humble Address be presented to Her Majesty, praying that Her Majesty would be graciously pleased to appoint a Royal Commission to inquire into the working and general management of Railways; to report upon the causes and the best means to be adopted for the prevention of Accidents; and whether further legislation is required (*The Earl De La Warr*) *April 27*, [218] 1150; after debate, Motion amended, and agreed to Ordered, that an humble Address be presented to Her Majesty, praying that Her Majesty would be graciously pleased to appoint a Royal Commission to inquire into the Causes of Accidents on Railways, and into the possibility of removing any such causes by further legislation (*The Earl De La Warr*)

The Queen's Answer reported *April 30*, 1892  
Question, Earl De La Warr; Answer, The Duke of Richmond *June 8*, [219] 1119

**Railways—The Royal Commission**

Amendt. on Committee of Supply *May 7*, To leave out from "That," and add "any inquiry into the causes of Accidents on Railways should include an investigation into the existence or otherwise of sufficient Railway accommodation in various districts for conveying the growing traffic of the Country with safety and economy, and into the means most advantageous to the public of supplying any deficiencies which may appear to exist" (*Mr. Samuelson*) *v.*, [218] 1877; Question proposed, "That the words, &c.," after short debate, Amendt. withdrawn

**RAMSAY, Mr. J., Falkirk, &c.**

Church Patronage (Scotland), Comm. [221] 677; *cl.* 3, 689, 699; *cl.* 4, 838; *cl.* 7, 841  
Church Rates Abolition (Scotland), 2R. [220] 1802

Factories (Health of Women, &c.), Comm. *cl.* 13, Amendt. [220] 329; *cl.* 14, 332  
Public Worship Regulation (Consolidated Fund, &c.), Comm. [221] 914

Sanitary Laws Amendment, 3R. [221] 132  
Spirituous Liquors (Scotland), 2R. [219] 577  
Supply—Broadmoor Criminal Lunatic Asylum, [219] 357

Courts of Law and Justice, Scotland, [219] 358

Local Government Board, [221] 811, 818, 814

Police in Counties and Boroughs (England and Wales), [221] 816

Rating of Government Property, &c. [221] 804

Supreme Court of Judicature Act (1873) Amendment, Comm. *cl.* 12, [221] 172

Ways and Means—Pauper Lunatics (Scotland), [221] 873

**RATHBONE, Mr. W., Liverpool**

Board of Trade Arbitrations, Inquiries, &c. Comm. *add. cl.* [219] 453

Board of Trade (Marine Department), [218] 1689

Civil Service Expenditure, Committee on, 1873 [218] 628

Elementary Schools, Extra Subjects in, Res. [218] 1540

[218] Intoxicating Liquors, Leave, 1246

[219] 2R. 117; Amendt. 149; Comm. *cl.* 2, 1026, 1076; *cl.* 9, 1113; *cl.* 12, 1172; *cl.* 28,

Amendt. 1183; Consid. *cl.* 26, 1708  
Judicature Act—Circuits, Alteration of the, [221] 556

Land Titles and Transfer, 2R. [220] 1260  
Parliamentary and Municipal Franchises, Register of, [218] 624

Parliamentary Elections (Polling), 2R. [218] 297

Post Office—East India, China, and Japan  
Mails Contract, Res. Amendt. [221] 1310

**Rating**

**Exemption of Tin and Copper Mines**, Question, Sir John St. Aubyn; Answer, Mr. Selater-Booth *Mar 27*, [218] 345

**Rating of Government Property**, Question, Major Dickson; Answer, Mr. Disraeli *Mar 30*, [218] 406

**Rating Bill—Formerly**

**Valuation of Property Bill**

(*Mr. Selater-Booth, Mr. Clare Read*)

*c.* Ordered; read 1<sup>o</sup> *May 11* [Bill 98]

Read 2<sup>o</sup>, after short debate *May 21*, [219] 658

**Rating of Mines**, Question, Mr. Knowles; Answer, Mr. Selater-Booth *June 8*, 1156

Committee\* *June 19*, [220] 180

Moved, "That the Chairman do report Progress" (*Mr. Henley*); Question put, and agreed to—Committee *a.p.*

*Rating Bill—cont.*

- Committee; Report June 29, 641 [Bill 180]
- Considered \* July 3
- Read 3<sup>o</sup> \* July 6
- l. Read 1<sup>o</sup> \* (*The Lord President*) July 7 (No. 158)
- Read 2<sup>o</sup>, after short debate July 20, [221] 269
- Committee; Report July 23, 643
- Read 3<sup>o</sup> \* July 24
- Royal Assent August 7 [37 & 38 Vict. c. 54]

**RAVENSWORTH, Earl of**

- Alkali Act (1863) Amendment, 2R. [220] 389;
- Comm. add. cl. 863, 866

**READ, Mr. Clare S., Norfolk, S.**

- Education Department—The Revised Code, Res. [218] 1729
- Public Health Act—Tottenham Local Board—The River Lea, [221] 854
- Valuation of Property, 2R. [219] 665; Comm. cl. 3, [220] 655, 664

**Real Property Limitation Bill [H.L.]**

(*The Lord Chancellor*)

- l. Presented; after short debate, read 1<sup>o</sup> Mar 26, [218] 318 (No. 16)
- Read 2<sup>o</sup> \* April 23
- Committee \*; Report; Re-comm. April 27
- Committee \* (*on re-comm.*) May 5
- Report \* May 15 (No. 39)
- Read 3<sup>o</sup> \* June 1
- c. Read 1<sup>o</sup> \* (*Mr. Attorney General*) June 5
- Read 2<sup>o</sup> \* July 7 [Bill 138]
- Committee \*; Report July 27
- Read 3<sup>o</sup> \* July 30
- l. Royal Assent August 7 [37 & 38 Vict. c. 57]

**Real Property Vendors and Purchasers Bill—Formerly**

**Vendors and Purchasers of Land Bill [H.L.]**  
(*The Lord Chancellor*)

- l. Presented; after short debate, read 1<sup>o</sup> Mar 26, [218] 330 (No. 18)
- Read 2<sup>o</sup> \* April 23
- Committee \*; Report; Re-comm. April 27
- Committee May 5, 1673 (No. 41)
- Report \* May 15 (No. 55)
- Read 3<sup>o</sup> \* June 1 (No. 74)
- Commons Amendts. (No. 215)
- c. Read 1<sup>o</sup> \* (*Mr. Attorney General*) June 5
- Read 2<sup>o</sup> \* July 7 [Bill 137]
- Committee \*; Report July 27
- Committee \* (*on re-comm.*); Report; read 3<sup>o</sup> July 30 [Bill 233]
- l. Royal Assent August 7 [37 & 38 Vict. c. 78]

**REDESDALE, Lord (Chairman of Committees)**

- Army—Royal Warrant, 1871—First Commissions, Address for a Paper, [221] 1392
- Court of Judicature (Ireland), 2R. [219] 456
- Endowed Schools—Ellsworth's Charity, Scheme for, Motion for an Address, [218] 1575
- Infanticide, 2R. [221] 542; Comm. Amendt. 847

**REDESDALE, Lord—cont.**

- Ireland—Sligo, Leitrim, and Northern Counties Railway, Motion for Re-comm. [219] 307
- Irish Peerage, Address to Her Majesty, [219] 1488
- Judicature and Appeal (Scotland and Ireland), 1R. [218] 1831
- Leonard Edmunds, Esquire—Petition, [220] 1611, 1612, 1614
- Metropolitan Improvements—Knightsbridge Barracks, [221] 1401;—The New Public Offices—Parliament Street, [219] 681
- Public Instruction, Minister of, Res. [219] 682
- Railway Companies, Res. [218] 1903, 1908
- Railways, Ireland—Guarantees from County Rates, [218] 1402
- Sanitary Laws Amendment, 2R. [221] 961
- Supreme Court of Judicature Act (1873) Amendment, 2R. [219] 1051; Comm. Amendt. 1359; Report, [220] 217; 3R. 414, 415
- Supreme Court of Judicature Act (1873) Suspension, 3R. [221] 1386
- Working Men's Dwellings, 2R. [220] 985; 3R. Amendt. [221] 290

**REDMOND, Mr. W. A., Wexford**

- Expiring Laws Continuance, 2R. [221] 741, 742
- Intoxicating Liquors (Ireland) (No. 2), Comm. add. cl. [220] 1008, 1012
- Ireland—Extra Police Force, Wexford, [221] 967
- Irish Fine Funds, [220] 1225; [221] 1150
- Parliament—Address in Answer to the Speech, [218] 169

**REED, Mr. E. J., Pembroke, &c.**

- Elementary Schools, Extra Subjects in, Res. [218] 1537
- Merchant Shipping Survey, 2R. [220] 369, 373
- Merchant Shipping Survey—An Unseaworthy Ship, [220] 1081
- Navy—H.M. Dockyards, [218] 840, 842
- H.M.S. "Narcissus" and "Endymion," [220] 1475
- Navy—Iron-clads, Construction of, Res. [219] 414, 417, 419
- Navy—Unarmoured and Iron-clad Ships, Res. [218] 1849
- Navy Estimates—Dockyards, &c. at Home and Abroad, [219] 434
- Naval Stores, [219] 442
- Steam Machinery, &c. [219] 448
- Wages, &c. for Seamen and Marines, [218] 871, 876, 892, 1484
- Patent Museum, [221] 301
- Public Worship Regulation, Consid. cl. 9, [221] 1091
- Supply—Report—Greenwich Hospital and School, [220] 1489

**Regimental Exchanges Bill**

(*Mr. Secretary Hardy, Mr. William Henry Smith, Mr. Stanley*)

- c. Ordered; read 1<sup>o</sup> \* July 22 [Bill 221]
- Question, Mr. Dillwyn; Answer, Mr. Gathorne Hardy July 28, [221] 856
- Bill withdrawn, after short debate July 29, 955

**Registration of Births and Deaths Bill**

(*Mr. Solater-Booth, Mr. Clare Read, Mr.*

*Secretary Cross*)

- c. Ordered; read 1<sup>o</sup> \* Mar 20 [Bill 80]  
Question, Mr. Lyon Playfair: Answer, Mr.  
Solater-Booth April 17, [218] 712  
Read 2<sup>o</sup>, after short debate May 14, [219] 274  
Committee: Report July 23, [221] 609  
Considered July 27, 835 [Bill 224]  
Read 3<sup>o</sup> \* July 28  
l. Read 1<sup>o</sup> \* (*The Lord Walsingham*) July 30  
Read 2<sup>o</sup> August 3, 1111 (No. 208)  
Committee: Report August 4  
Read 3<sup>o</sup> \* August 5  
Royal Assent August 7 [37 & 38 Vict. c. 88]

**Registration of Firms Bill** (*Mr. Norwood,*

*Mr. Sampson Lloyd, Mr. Whitwell*)

- c. Ordered; read 1<sup>o</sup> \* Mar 24 [Bill 42]  
Question, Mr. Ritchie: Answer, Mr. Assheton  
Cross May 1, [218] 1496  
Bill withdrawn \* July 22

**REID, Mr. R., *Kirkcaldy, &c.***

China—Woosung Bar, Shanghai, State of,  
[218] 1095; [220] 872  
Church Patronage (Scotland), Comm. cl. 3,  
[221] 701; cl. 4, Amendt. 838

**Revenue Officers Disabilities Bill**

(*Mr. Monk, Mr. Russell Gurney*)

- c. Ordered; read 1<sup>o</sup> \* Mar 20 [Bill 15]  
Read 2<sup>o</sup>, after short debate April 22, [218] 958  
Committee: Report June 1, [219] 797  
Considered \* June 4  
Read 3<sup>o</sup> \* June 8  
l. Read 1<sup>o</sup> \* (*The Lord President*) June 9  
Read 2<sup>o</sup> \* June 18 (No. 94)  
Committee: Report June 19  
Read 3<sup>o</sup> \* June 23  
Royal Assent June 30 [37 & 38 Vict. c. 22]

**Revising Barristers (Payment) Bill**

*Formerly—*

**Payment of Revising Barristers Bill**

(*Mr. William Henry Smith, Mr. Chancellor of  
the Exchequer*)

- c. Ordered; read 1<sup>o</sup> \* June 21 [Bill 127]  
Read 2<sup>o</sup> \* July 2  
Committee: Report July 9  
Considered \* July 10  
Read 3<sup>o</sup> \* July 13  
l. Read 1<sup>o</sup> \* (*The Lord President*) July 14  
Read 2<sup>o</sup> \* July 23 (No. 175)  
Committee: Report July 24  
Read 3<sup>o</sup> \* July 27  
Royal Assent July 30 [37 & 38 Vict. c. 53]

**RICHARD, Mr. H., *Merthyr Tydvil***

Elementary Education Act (1870) Amendment,  
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[221] 378, 417, 453

**RICHARD, Mr. H.—*cont.***

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Spain—Claims by British Subjects, [221] 975

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West African Settlements, Res. [218] 1630

**RICHMOND, Duke of (Lord President of  
the Council)**

Agricultural Tenants Improvements, 2R.  
[221] 110, 114

Alkali Act (1863) Amendment, Comm. add. cl.  
[220] 805, 866

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219] Church Patronage (Scotland), 1R. 368, 383,  
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[221] 198

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[220] 869, 870

Elementary Education Act—Voluntary System,  
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Scheme for, Motion for an Address, [218]  
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Endowed Schools—Ellsworth's Charity, Scheme  
for, Motion for an Address, [218] 1573

Endowed Schools—Gelligaer, Address to the  
Queen, [218] 1920

Endowed Schools Acts Amendment, 2R. [221]  
1114

Endowed Schools Commission, [218] 1492

Factories (Health of Women, &c.), Comm.  
cl. 10, [220] 1618; cl. 12, 1620

Intoxicating Liquors, 2R. [220] 688, 689, 690;  
Comm. cl. 3, 1199, 1200, 1205, 1206, 1209;

cl. 13, 1212; cl. 14, 1213; cl. 33, 1216

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[221] 747, 749, 751

Ireland—Railways—Guarantees from County  
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Schoolmistresses, Motion for a Return, [220]  
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1514

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**RIPLEY, Mr. H. W., *Bradford***

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Endowed Schools—Combe's School, Crewkerne, Scheme for, Motion for an Address, [218] 1578  
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**RITCHIE, Captain C. T., *Tower Hamlets***

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Parliament—Business of the House, Res. [219] 1412  
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***Rivers Pollution Commission***

Question, Mr. Lyon Playfair ; Answer, Mr. Selater-Booth August 3, [221] 1145

**ROBERTSON, Mr. H., *Shrewsbury***

Railway Accidents—Royal Commission, Res. [218] 1882

**ROCHESTER, Bishop of**

Intoxicating Liquors, Comm. Schedule, [220] 1218

**ROEBUCK, Mr. J. A., *Sheffield***

County Courts, 2R. [221] 1106  
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***Rome—Alleged Disturbances***

Question, Mr. O'Clery ; Answer, Mr. Bourke July 20, [221] 297

**ROMILLY, Lord**

Transfer and Title of Land, 1R. [218] 334 ; 2R. 981

**RONAYNE, Mr. J. P., *Cork City***

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**ROSEBERY, Earl of**

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Leonard Edmunds, Esquire—Petition, [220] 600, 1500  
Representative Peers of Scotland and Ireland, Motion for a Committee, [219] 1489 ; [220] 141

**ROSSLYN, Earl of**

Church Patronage (Scotland), 1R. [219] 380;  
2R. 846

**Royal Irish Constabulary and Dublin  
Metropolitan Police Bill**

(*Sir Michael Hicks-Beach, Mr. Attorney General  
for Ireland*)

c. Ordered; read 1<sup>o</sup> July 6 [Bill 196]

Read 2<sup>o</sup> July 20

Committee; Report July 28, [221] 906

Considered July 30

Read 3<sup>o</sup> July 31

l. Read 1<sup>o</sup> (*The Lord President*) August 3

Read 2<sup>o</sup> August 4 (No. 221)

Committee; Report August 5

Read 3<sup>o</sup> August 6

Royal Assent August 7 [37 & 38 Vict. c. 80]

**Royal Irish Constabulary and Dublin Me-  
tropolitan Police [Expenses]**

c. Considered in Committee; Resolution agreed  
to July 22

Resolution reported July 23

**Royal (late Indian) Ordnance Corps Com-  
pensation Bill**

(*Mr. Raikes, Mr. Secretary Hardy, Mr. William  
Henry Smith*)

c. Considered in Committee July 17

Question, Colonel Jervis; Answer, Lord  
George Hamilton July 17, [221] 297

Ordered; read 1<sup>o</sup> July 20 [Bill 219]

Read 2<sup>o</sup>, after short debate July 24, 679

Committee; Report July 25

Read 3<sup>o</sup> July 27

l. Read 1<sup>o</sup> (*The Earl of Pembroke*) July 28

Read 2<sup>o</sup> July 30, 962 (No. 203)

Committee; Report July 31

Read 3<sup>o</sup> August 3

Royal Assent August 7 [37 & 38 Vict. c. 61]

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**RUSSELL, Lord A. J. E., Tavistock**

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**RUSSELL, Sir C., Westminster**

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cers, [219] 268

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1006; cl. 8, 1110; cl. 10, 1117; Consid.  
cl. 2, 1696; cl. 26, 1718

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**RUSSELL, Sir C.—cont.**

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Valuation of Property, Comm. cl. 3, [220] 182,  
656; cl. 7, Motion for reporting Progress,  
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**Russia—Reported Polish Amnesty**

Question, Mr. Charley; Answer, Mr. Bourke  
June 22, [220] 226

**RUTLAND, Duke of**

Public Worship Regulation, Comm. [219] 947;  
Report, cl. 8, Amendt. [220] 144

**RYDER, Mr. G. R. D., Salisbury**

Ordnance Survey—25-inch Scale, [218] 816

Public Worship Regulation, Comm. cl. 13,  
Amendt. [221] 890

**SACKVILLE, Mr. Sackville G. STOPFORD—  
Northamptonshire, N.**

Army—Ashantee War—Pay of Officers on the  
Gold Coast, [218] 989

Ireland—County Louth and Dundalk Borough  
Elections—"Callan v. Dease," [220] 1361

**ST. AUBYN, Sir J., Cornwall, W.**

Tin and Copper Mines, Exemption of, from  
Rating, [218] 345

**Sale of Liquors on Sunday Bill**

(*Mr. Wilson, Mr. Birley, Mr. William M<sup>r</sup> Arthur,  
Mr. Cawley, Mr. Edward G. Davenport,  
Mr. Osborne Morgan*)

c. Ordered; read 1<sup>o</sup> April 16 [Bill 69]  
2R. [Dropped]

**Sale of Liquors on Sunday (Ireland) Bill**

(*Mr. Richard Smythe, The O'Conor Don, Viscount  
Crichton, Mr. Dease, Mr. William Johnston,  
Mr. Redmond, Mr. James Corry, Mr.  
Thomas Dickson*)

c. Ordered; read 1<sup>o</sup> Mar 24 [Bill 43]  
Bill withdrawn May 6

**SALISBURY, Marquess of (Secretary of  
State for India)**

Bishop of Calcutta (Leave of Absence), 2R.  
[218] 1392

East India Annuity Funds, Comm. [219] 466

Endowed Schools—Ellsworth's Charity, Scheme  
for, Motion for an Address, [218] 1677

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92; Address for Papers, 1080, 1093, 1094

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1677;—Explanation, [220] 293

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1189, 1190; cl. 3, 1201; cl. 12, 1212; cl. 14,  
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**SALISBURY, Marquess of—***cont.*

- 219] Public Worship Regulation, 2R. 50, 53 ;  
     Comm. 925, 948 ; *cl.* 7, 955 ; *cl.* 8, 1138,  
     1140, 1143 ; *cl.* 21, Amendt. 1267 ; *cl.* 23,  
     Motion for reporting Progress, 1268 ; *cl.* 25,  
     1575
- 220] Report, *cl.* 8, 144 ; *add. cl.* 148, 150 ; 3R.  
     406
- 221] Commons Amendts. Consid. 1231, 1251 ;  
     *cl.* (B) 1255 ; Personal Explanation, 1397,  
     1401
- Railways, Address for a Royal Commission,  
     [218] 1169, 1171
- Railways, Ireland—Guarantees from County  
     Rates, [218] 1403, 1405

**SALT, Mr. T.,** *Stafford*

- Churchwardens, 2R. [218] 707
- Elementary Education Act (1870) Amendment,  
     2R. [219] 1329
- Endowed Schools Acts Amendment, 2R. [220]  
     1681
- Friendly Societies, 2R. [220] 259
- Household Franchise (Counties), 2R. Amendt.  
     [219] 217
- India—East India Revenue Accounts, [218] 334
- Public Worship Regulation (Consolidated  
     Fund, &c.), Comm. [221] 912
- Ways and Means—County Police, [218] 1493

**SAMUDA, Mr. J. D'A.,** *Tower Hamlets*

- Board of Trade (Marine Department), [218] 1686
- Intoxicating Liquors, Comm. *cl.* 2, [219] 1010,  
     1103
- Merchant Shipping Survey, 2R. [220] 364
- Metropolis—Victoria Park, [218] 541, 928
- Metropolitan Buildings and Management, 2R.  
     [218] 1348
- Navy Estimates—Steam Machinery, &c. [219]  
     447
- Wages, &c. for Seamen and Marines, Mo-  
     tion for reporting Progress, [218] 896,  
     1412
- New Mint Building Site, 2R. [220] 1270
- Parliamentary Elections (Polling), 2R. [218]  
     317
- Post Office—East India, China, and Japan  
     Mails Contract, Res. [221] 1312
- Ways and Means—Sugar, Duty on Refined,  
     [218] 990

**SAMUELSON, Mr. B.,** *Banbury*

- Education Department—Education Code, [219]  
     1025
- Navy—H.M.S. "Devastation," [218] 1261
- Railway Accidents—Royal Commission, Res.  
     [218] 1877
- Supply—British Museum, [220] 449
- Science and Art Department, [218] 1261

**SANDFORD, Mr. G. M. W.,** *Maldon*

- Income Tax, Res. Amendt. [218] 234
- 219] Intoxicating Liquors, Comm. *cl.* 2, Amendt.  
     1024 ; Amendt. 1089, 1083, 1084 ; *add. cl.*  
     1205
- 220] Consid. *cl.* 4, 96
- Juries, Comm. *cl.* 5, Amendt. [219] 286 ;  
     Amendt. 290 ; *cl.* 50, 299
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     [220] 664, 665
- Ways and Means—Financial Statement, Res. 3,  
     [218] 697 ; Comm. 1057

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- Army and Militia, Address for Returns, [219]  
     728

**SANDON, Right Hon. Viscount** (Vice  
 President of Committee of Council  
 on Education), *Liverpool*

- Cattle—Miscellaneous Questions
- Foot and Mouth Disease, [219] 851, 1586
- Importation of Foreign, [220] 1519
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- Transit of—Vienna Conference, [221] 392
- Children Employed in Agriculture, [219] 74
- Contagious Diseases (Animals) Act, [218] 986
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- Education Department—Miscellaneous Ques-  
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- Agricultural Children Act, [221] 206
- Annual Report, [218] 1495
- Education Code, [219] 1634
- Private Adventure Schools, [220] 1623
- Education Department—Revised Code, Res.  
     [218] 1721
- Education (Scotland) Act—Building Grants,  
     [218] 632
- Elementary Education (Compulsory Attend-  
     ance), 2R. [220] 839
- Elementary Education (Emoluments of Teach-  
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     [218] 1587
- Elementary Education Act (1870) Amend-  
     ment, 2R. [219] 1351
- Elementary Schools, Extra Subjects in, Res.  
     [218] 1541
- 220] Endowed Schools Acts Amendment, 2R.  
     1625, 1654, 1716
- 221] Comm. 317, 457 ; *cl.* 1, 496, 499 ; *cl.* 2,  
     589, 590 ; *add. cl.* 647, 648 ; Preamble, 649
- Endowed Schools—Commissioners Schemes,  
     [221] 300
- Legislation, [219] 1156
- Tunbridge School, [219] 1587
- Endowed Schools Commission, [219] 481
- Factories (Health of Women, &c.), Comm.  
     *cl.* 14, [220] 330
- Metropolis—Raphael's Cartoons—Opening of  
     Public Museums on a Sunday, [219] 266
- Science and Art Department—Art Schools,  
     [220] 1353 ;—South Kensington, [219]  
     1586
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     seums, [219] 1162
- Public Worship Regulation, 2R. [221] 50 ;  
     Comm. *cl.* 19, 893, 898
- Supply—Public Education, [219] 1636, 1652
- Science and Art Department, [218] 1261 ;  
     [219] 1654
- Wenlock Elementary Education, 2R. [220] 286



*Sanitary Acts*—see title *Public Health*

**Sanitary Laws Amendment Bill**

(*Mr. Sclater-Booth, Mr. Clare Read*)

- c. Ordered; read 1<sup>o</sup> \* June 1 [Bill 128]  
Read 2<sup>o</sup> \* June 15  
Order for Committee read; Moved, "That Mr. Speaker do now leave the Chair" July 10, [220] 1493; after short debate, Question put, and agreed to; Committee; Report [Bill 195] Considered \* July 14 [Bill 202]  
Read 3<sup>o</sup>, after short debate July 16, [221] 132  
l. Read 1<sup>o</sup> \* (*The Lord Walsingham*) July 16 (No. 181)  
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Committee \* August 3 (No. 225)  
Report \* August 4  
Read 3<sup>o</sup> \* August 5  
Royal Assent August 7 [37 & 38 Vict. c. 89]

**Science and Art**

- Dr. Schlieman's Antiquities from the Troad*, Question, Mr. E. Stanhope; Answer, Mr. Disraeli May 7, [218] 1840  
*Meteorological Department in India*, Observations, Mr. Egerton Hubbard; short debate thereon May 8, [218] 1987 (*P. P.* 185)  
*Meteorological Observations*, Question, Mr. Egerton Hubbard; Answer, Lord George Hamilton July 31, [221] 1032  
*National Gallery—The Pietro Della Francesca*, Question, Mr. Hankey; Answer, Mr. Disraeli June 15, [219] 1584  
*National Museum—Report of the Science Commission*, Question, Mr. Walpole; Answer, Mr. Mundella Mar 24, [218] 269  
*National Portrait Gallery—Landseer's Portrait of Sir Walter Scott*, Observations, The Chancellor of the Exchequer May 15, [219] 312  
*Natural History Collections*, Question, Sir John Lubbock; Answer, Lord George Hamilton May 5, [218] 1673  
*Raphael's Cartoons—Opening of Public Museums on Sundays*, Question, Sir Charles W. Dilke; Answer, Viscount Sandon May 14, [219] 266  
*Science and Art Department*, Question, Mr. Samuelson; Answer, Viscount Sandon April 28, [218] 1261;—*Art Schools*, Question, Mr. Cowper-Temple; Answer, Viscount Sandon July 9, [220] 1353;—*Ireland*, Question, Sir Arthur Guinness; Answer, Sir Michael Hicks-Beach June 11, [219] 1406  
*South Kensington Museum*, Question, Major Beaumont; Answer, The Chancellor of the Exchequer Mar 31, [218] 482  
*The Transit of Venus*, Question, Observations, Earl De La Warr; Replies, The Earl of Malmesbury, The Earl of Derby July 12, [219] 1475; Question, Sir John Hay; Answer, Mr. Hunt July 23, [221] 553

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- Adulteration Act, [218] 345, 627; [221] 550  
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- Births and Deaths, Registration of, [218] 712  
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220] Sanitary Laws Amendment, Comm. 1493; . cl. 6, 1496; cl. 25, *ib.*; cl. 31, 1497; cl. 33, . 1498; cl. 36, *ib.*, 1499; *add. cl. ib.*  
221] 3R. 133  
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- Constabulary*, Question, Mr. Fortescue Harrison ; Answer, Mr. Assheton Cross *June* 8, [219] 1160
- Education (Scotland) Act*, 1872 — *Building Grants*, Question, Sir Robert Anstruther ; Answer, Viscount Sandon *April* 16, [218] 632 ;—*Collection of School Rates*, Question, Sir Robert Anstruther ; Answer, The Lord Advocate *June* 25, [220] 424
- Harbour Police—Grants in Aid*, Question, Mr. Grieve ; Answer, Mr. Assheton Cross *July* 30, [221] 969
- Income Tax Assessors*, Question, Mr. Anderson ; Answer, The Chancellor of the Exchequer *August* 4, [221] 1259
- Judges of the Supreme Courts—Salaries*, Question, Mr. Lyon Playfair ; Answer, The Lord Advocate *July* 16, [221] 120
- Legislation for Scotland—Law of Hypothec, &c.*, Question, Mr. J. Barclay ; Answer, The Lord Advocate *Mar* 24, [218] 266 ; Question, Sir Robert Anstruther ; Answer, Mr. Assheton Cross *May* 19, [219] 479
- Licensing System — A Royal Commission*, Question, Mr. Campbell-Bannerman ; Answer, Mr. Assheton Cross *June* 18, [220] 76
- Police Force in Burghs*, Question, Mr. Grieve ; Answer, Mr. Assheton Cross *April* 20, [218] 811
- Poor Law—Catholic Inmates of Workhouses*, Question, Mr. Owen Lewis ; Answer, The Lord Advocate *June* 25, [220] 421 ;—*Pauper Lunatics—Grants in Aid*, Question, Mr. Grieve ; Answer, The Chancellor of the Exchequer *July* 30, [221] 969
- Scotch Fishery Board—Herring Barrels*, Question, Mr. Fordyce ; Answer, Sir Charles Adderley *May* 11, [219] 66
- Sheriff Principals — Glasgow and Lanarkshire*, Question, Dr. Cameron ; Answer, The Lord Advocate *Mar* 30, [218] 409
- The Sasine Office, Edinburgh*, Question, Mr. Mackintosh ; Answer, The Lord Advocate *Mar* 30, [218] 408
- Turnpike Trusts — Returns*, Question, Sir Robert Anstruther ; Answer, Mr. Assheton Cross *April* 20, [218] 813

Scotland—Established Church (Communicants)

- Questions, Mr. Baxter, Mr. Horsman ; Answers, The Lord Advocate *June* 9, [219] 1269
- “ Address for Return, with regard to the Established Church of Scotland, giving, in separate columns, the number of male and the number of female Communicants on the Roll in each parish of the several counties of Argyll, Inverness, Ross, Caithness, and Sutherland, in each year, from 1867 to 1873 inclusive ” (*Mr. Ellice*), 1271 ; Motion agreed to (Parl. P. No. 239)

- SCOTT, Lord H. J. M. D., *Hampshire, S.*  
Consular Chaplaincies, [221] 969  
Navy—Unarmoured and Iron-clad Ships, Res. [218] 1860  
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221] 33 ; Comm. *cl.* 2, 229 ; *cl.* 6, 231 ; *cl.* 3, Amendt. 252, 261, 875 ; *cl.* 9, Amendt. 879, 882, 885 ; *add. cl.* 903 ; 3R. 1167  
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SCOTT, Mr. M. D., *Sussex, E.*

- Intoxicating Liquors, [218] 1410 ; Consid. *cl.* 26, [219] 1713 ; *cl.* 11, Amendt. [220] 103  
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SCOURFIELD, Mr. J. H., *Pembrokeshire, S.*

- Courts of Justice (Wales)—Welsh Interpreters [220] 1084  
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SEAFIELD, Earl of

- Church Patronage (Scotland), 2R. [219] 838

SEELY, Mr. C., *Lincoln City*

- Agricultural Tenant Right, [219] 480  
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- Court of Judicature (Ireland), 2R. [219] 465  
 Glebe Lands Sale, 2R. [220] 1078  
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 Judicature and Appeal (Scotland and Ireland), 1R. [218] 1824  
 Leonard Edmunds, Esquire — Petition, [220] 1505, 1512  
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 218] Public Worship Regulation, 1R. 799  
 219] 2R. 43, 53; Comm. 928, 949; *cl.* 7, 958;  
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 220] Report, *cl.* 7, 142, 143; 3R. 402  
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 1387; *cl.* 10, 1671, 1673  
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**Select Vestries**

*l.* Bill, *pro forma*, read 1<sup>st</sup> Mar 19

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 [219] 809, 843, 846; Comm. *cl.* 3, 1251

**SELWIN-IBBETSON, Sir H. J. (Under Secretary of State for the Home Department), Essex, W.**

- Betting, 2R. [218] 604; Comm. 944  
 Criminal Law—Sentence on a Cabman, [221] 1406  
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 219] 2R. 98, 101, 102, 126, 148, 274, 623, 857;  
 Comm. 987; *cl.* 2, 1005; Consid. *cl.* 26,  
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 220] Consid. 93; *cl.* 13, 107; *cl.* 27, 171  
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 [218] 209; 2R. 340  
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**Sewage Manure**

Question, Mr. Hick; Answer, Mr. Solater-  
 Booth May 18, [219] 394

**SHAFTESBURY, Earl of**

Ecclesiastical Fees, [221] 845  
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 \*1829; Comm. *cl.* 10, 1619

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- 218] Public Worship Regulation, 1R. 798, 799  
 219] 2R. \*12, 23; Comm. *cl.* 7, Amendt. 953;  
*cl.* 9, Amendt. 1143, 1148; *add. cl.* 1150,  
 1151; *cl.* 16, Amendt. 1265; *cl.* 22, 1573  
 220] Report, *cl.* 7, 143  
 Working Men's Dwellings, 2R. [220] 982;  
 Comm. Amendt. 1516; 3R. [221] 290

**Shannon Navigation Bill**

(Mr. William Henry Smith, Sir Michael  
 Hicks-Beach)

- c.* Ordered; read 1<sup>st</sup>, and referred to the Examiners of Petitions for Private Bills June 18  
 Read 2<sup>nd</sup> \* June 25 [Bill 157]  
 Order for going into Committee discharged, and Bill referred to a Select Committee June 29, [220] 673  
 Committee nominated as follows:—Mr. William Henry Smith (Chairman), Lord Frederick Cavendish. Added by the Committee of Selection:—Mr. Laing, Mr. Pemberton, Lord Arthur E. Hill Trevor  
 Report \*; Re-comm. July 2 [Bill 189]  
 Committee \*; Report July 14  
 Considered \* July 17  
 Read 3<sup>rd</sup> \* July 20  
*l.* Read 1<sup>st</sup> \* (*The Lord President*) July 21  
 Read 2<sup>nd</sup> \* July 27 (No. 189)  
 Report \* July 30  
 Committee; Report July 31, [221] 1028  
 Read 3<sup>rd</sup> \* August 3  
 Royal Assent August 7 [37 & 38 Vict. c. 60]

**SHAW, Mr. W., Cork Co.**

- Factories (Health of Women, &c.), Comm. [220] 309; Consid. *cl.* 9, 479  
 Intoxicating Liquors (Ireland) (No. 2), Comm. *cl.* 11, [220] 342  
 Irish Fisheries, Res. [218] 1528  
 Irish Reproductive Loan Fund, Comm. *cl.* 5, Amendt. [221] 1103

**SHELL, Mr. E., Athlone**

Ireland — Salaries of Resident Magistrates,  
 [219] 1057

**SHERIDAN, Mr. H. B., Dudley**

Egypt—Outrage on British Subjects, [221] 204

**SHERLOCK, Mr. Serjeant D., King's Co.**

- Expiring Laws Continuance, 2R. [221] 781;  
 Comm. 983  
 India—Nawab Nazim of Bengal, Motion for a Committee, [220] 574, 576  
 Intoxicating Liquors (Ireland) (No. 2), Comm. *cl.* 11, [220] 342; *cl.* 12, 1000; *cl.* 16, 1004;  
*cl.* 21, 1005; *add. cl.* 1010  
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 Supply—British Museum, [220] 449  
 Supreme Court of Judicature Act (1873) Amendment, Comm. [221] 148; *cl.* 2, 156

**SHERIFF, Mr. A. C., Worcester City**  
Worcester City Magistracy, [220] 1621**SHREWSBURY, Earl of**  
Public Worship Regulation, 2R. [219] 50**Shrewsbury School—Excessive Punishment**

Question, Mr. Bass; Answers, Mr. Ascheton Cross, Mr. Osborne Morgan July 31, [221] 1036

**SHUTE, Major-General C. C., Brighton**

Army—Miscellaneous Questions  
 Colonels of Cavalry, Pay of—Warrant of 1863, [220] 74, 75  
 Colonels, Supersession of—Royal and Indian Army, [218] 626  
 Sergeants' Good Conduct Warrants, [221] 1330  
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**SIDEBOTTOM, Mr. T. H., Staleybridge**

Coal Mines—Astley Deep Pit (Dukinfield), Explosion at, [220] 872; Motion for an Address, [221] 771, 784

**SIDMOUTH, Viscount**

Elementary Education Act—Voluntary System, [218] 1259  
 Wilmot, Admiral Eardley, Case of, [220] 1470, 1472

**SIMON, Mr. Serjeant J., Dewsbury**

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 Poor Law—Dewsbury Union, [221] 555  
 Spain—Sloop "Lark," The, [218] 410  
 "Virginus," Capture of the, [221] 556  
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**SINCLAIR, Sir J. G. T., Caithness-shire**

Post Office—Mails to the North of Scotland, [220] 995, 996  
 Post Office—Wick and Thurso Mails, Motion for Correspondence, [221] 784, 787, 788

**Slaughterhouses, &c. Bill**

(*Sir Henry Selwin-Ibbetson, Mr. Secretary Cross*)

*c.* Considered in Committee; Resolution agreed to, and reported; Bill ordered; read 1<sup>o</sup> \*  
 June 15 [Bill 150]

Read 2<sup>o</sup> \* July 3

Committee \*; Report July 7

Considered \* July 9

Read 3<sup>o</sup> \* July 10

*l.* Read 1<sup>o</sup> \* (*The Lord Steward*) July 13 (No. 172)

Read 2<sup>o</sup> \* July 16

Committee, after short debate July 21, [221] 383 (No. 191)

Report \* July 28 (No. 204)

Read 3<sup>o</sup> \* July 30

Royal Assent August 7 [37 & 38 *Vict.* c. 67]

**Slave Trade Papers A. and B.**

Question, Mr. Cartwright; Answer, Mr. Bourke April 21, [218] 929

**Sligo, Leitrim, and Northern Counties Railway Bill**

Moved to resolve, That whereas the Committee to which the Sligo, Leitrim, and Northern Counties Railway Bill was referred, have, in the absence of any Standing Order on the subject, not felt themselves bound to inquire into the nature and extent of the opposition to the guarantee clauses; and whereas the practice of Parliament for twenty-five years has been to sanction such guarantees in cases where they have been shown to be the general wish of the counties interested, it is expedient that the said Bill be re-committed with a view to further inquiry into the nature and extent of the opposition to the guarantee (*The Earl of Bandon*) May 15, [219] 306; after short debate, Motion withdrawn

Then it was moved that the said Bill be re-committed to the same Select Committee; on Question? Cont. 59, Not-Cont. 54; M. 5; resolved in the affirmative; Bill re-committed accordingly

[See title *Ireland—Railways—Local Guarantees*]

**SMITH, Mr. A., Hertfordshire**

Ordnance Survey—Hertfordshire, [218] 1926

**SMITH, Mr. T. E., Tynemouth, &c.**

Board of Trade (Marine Department), Motion for a Select Committee, [218] 1677, 1683, 1690  
 India—East India Finance—Appointment of a Select Committee, [218] 337

Intoxicating Liquors, Comm. *cl.* 2, [219] 1026, 1102

Merchant Shipping Survey, 2R. [220] 374

Merchant Ships (Measurement of Tonnage), 2R. [219] 1222, 1224

Navy—Indian Station, [218] 630

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Parliamentary Elections (Returning Officers), 2R. [218] 1341

Post Office—East India, China, and Japan Mails Contracts, Res. [221] 1324

Post Office—West India Mail Contract, Res. [221] 1304

Supply—Salaries of Colonial Governors, [220] 475

SMITH, Mr. W. H. (Secretary to the Treasury), *Westminster*

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 Civil Service, [218] 1837  
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     Statistical Department, [220] 72  
 Dean Forest, Motion for a Committee, [218] 932  
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 Great Southern of India and Carnatic Railway Companies, Comm. [219] 531  
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     Excise—Corn Stores, &c. [221] 1411  
     Foreshores—Returns, [219] 621  
     Irish Land Act—Board of Public Works—Advances to Tenants, [221] 1331  
     Irish Land Act (1870)—Clerks of the Peace, Salaries to, [220] 1353  
     Legal Proceedings, Expenses of, [219] 701  
     Valuation Acts, [219] 1408  
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     Victoria Park, [218] 542, 926  
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 Post Office—Mails to the North of Scotland, [221] 1336  
 Post Office—East India, China, and Japan Mail Contracts, Res. [221] 1307  
 Post Office—West India Mail Contract, Res. [221] 1301, 1302  
 Public Office Libraries—Duplicate Books, &c. [219] 1498  
 Public Works Loans—Returns, [218] 1096  
 Public Worship Regulation (Consolidated Fund, &c.), Comm. Amendt. [221] 910  
 Shannon Navigation—Withdrawal of Bill, [220] 873  
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     Commissioners of Education (Ireland), [219] 788  
     Comptroller and Auditor General of the Exchequer, [218] 774  
     Copyhold, Inclosure, and Tithe Commission, [218] 771  
     County Courts, New Buildings for, &c. [221] 810  
     Courts of Law and Justice, Scotland, [219] 358  
     Criminal Proceedings, Scotland, [219] 358  
     Criminal Prosecutions, &c. Ireland, [219] 359, 360  
     Harbours, &c. Constructing of, [221] 811  
     House of Commons, Offices of, [218] 764  
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     Patent Law Amendment Act, [218] 777  
     Police in Counties and Boroughs (England and Wales), [221] 816

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SMOLLETT, Mr. P. B., *Cambridge*

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SMYTH, Mr. P. J., *Westmeath Co.*

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SMYTH, Mr. R., *Londonderry Co.*

Intoxicating Liquors in Ireland, Sale of, on a Sunday, Res. [218] 1991  
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 Municipal Privileges (Ireland), Comm. [218] 1343  
 National School Teachers (Ireland), Res. [219] 1284  
 Parliamentary Elections (Polling), 2R. [218] 310  
 Parliamentary Relations (Great Britain and Ireland)—Home Rule, Comm. Res. [220] 731  
 Public Health, 2R. [219] 668  
 Public Meetings (Ireland), 2R. [219] 590

SOLICITOR GENERAL, The (Mr. J. HOLKER), *Preston*

Controverted Elections (Ireland)—Mr. Justice Lawson, Res. [218] 1898  
 Endowed Schools Acts Amendment, 2R. [220] 1674  
 Imprisonment for Debt, 2R. [218] 560  
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 Intoxicating Liquors, Comm. add. cl. [219] 1195; Consid. [220] 84  
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Parliament—Address in Answer to the Speech, [218] 39  
Railway Accidents, [219] 697  
Railways—Address for a Royal Commission, [218] 1165  
Working Men's Dwellings, 2R. [220] 983

SOMERSET, Lord H. R. C., *Monmouthshire*

Parliament—Queen's Speech—Her Majesty's Answer to Address, [218] 228

*South Sea Islands*

Moved, "That an humble Address be presented to Her Majesty for, Copies or Extracts of any further correspondence respecting outrages committed upon natives of the South Sea Islands, in continuation of the papers upon this subject laid before the House last Session" (*The Earl of Belmore*)  
Mar 24, [218] 255; after short debate, Motion agreed to (Parl. P. No. 69)

*Spain*

*Brigandage in*—*Capture of a British Subject*, Question, Mr. Vance; Answer, Mr. Bourke July 30, [221] 972  
*British Subjects in Bilbao*, Question, Mr. M'Lagan; Answer, Mr. Bourke Mar 31, [218] 485  
*Capture of the "Virginius"*, Question, Sir William Harcourt; Answer, Mr. Bourke May 15, [219] 314; Question, Mr. Serjeant Simon; Answer, Mr. Bourke July 23, [221] 556  
*Carthage*—*Claims by British Subjects*, Question, Mr. Richard; Answer, Mr. Bourke July 30, [221] 975  
*Foreign Intervention*, Question, Sir George Bowyer; Answer, Mr. Bourke August 4, [221] 1280  
*Recognition of the Existing Government*, Question, Mr. Sandford; Answer, Mr. Bourke June 22, [220] 222  
*Spanish External Debt—Alleged Removal of Securities*, Question, Observations, Lord Hampton; Reply, The Earl of Derby July 21, [221] 385  
*The Civil War—Recognition of Belligerent Rights*, Question, Mr. O'Clery; Answer, Mr. Bourke April 13, [218] 494;—*Alleged Aid by the French*, Question, Observations, Earl Russell; Reply, The Earl of Derby; short debate thereon July 24, [221] 612  
*The German Squadron*, Question, Mr. O'Clery; Answer, Mr. Bourke July 28, [221] 863  
*The Sloop "Lark"*, Question, Mr. Serjeant Simon; Answer, Mr. J. Lowther Mar 30, [218] 410

SPEAKER, The (Right Hon. H. B. W. BRAND), *Cambridgeshire*

Meeting of the Parliament—The Right Hon. Henry Brand unanimously called to the Chair as Speaker of the House Mar 5, [218] 5; is presented and approved Mar 6, 15; reports Her Majesty's approval, and first takes and subscribes the Oath Mar 6

Mr. Speaker acquaints the House that he has received a Letter from Major General Sir Garnet J. Wolseley acknowledging the Thanks of the House to himself and other Officers of the Expedition to Ashantee. Letter read, [218] 495

Parliament—Issue of New Writs—Mr. Speaker states the Resolution and practice of the House in regard to the Issue of New Writs, [218] 1844, 1262

Amendment—Order for Committee read—Question proposed, "That Mr. Speaker do now leave the Chair." Mr. W. Shaw rose to propose an Amendment to refer the Bill to a Select Committee. Mr. Speaker said that the hon. Member could not propose his Amendment, although he was entitled to speak on the Motion that he (Mr. Speaker) leave the Chair.—*Factories (Health of Women, &c.) Bill*, [220] 309

Amendments—Order—A Motion and Amendment thereon being before the House, the Amendment must be withdrawn before another Amendment can be discussed.—*West African Settlements*, [218] 1663

Bills—Hybrid or Private Bill—Mr. Fawcett wished to ask whether, as this Bill (the *Great Southern of India and Carnatic Railway Companies Bill*) would throw a charge upon the revenues of India, it was competent to pass it as a Private Bill, or whether it ought not to be put in the form of a Hybrid Bill or a Public Bill? Mr. Speaker said, it was perfectly in Order to deal with the measure as a Private Bill, [219] 849

Debate—Explanation—Mr. Ward having attributed certain expressions to Lord E. Fitzmaurice, the latter explained. Mr. Ward said he accepted the noble Lord's explanation, but had no hesitation in saying that, to his mind, the words were used by him. Mr. Speaker reminded the hon. Gentleman that he had accepted the noble Lord's explanation, and could not, therefore, repeat the assertion.—*Endowed Schools Acts Amendment Bill*, [221] 416

Debate—Premature discussion of details—*Intoxicating Liquors Bill*. Order for Committee read; Motion, "That Mr. Speaker, &c." Discussion arising, it was asked whether an Amendment of a certain character was before the House. Mr. Speaker said, no clause of the Bill could be discussed in detail at its present stage, [219] 1000

Debate—Premature discussion of a subject—If the House should order a Bill relating to a certain subject to be read a second time on a given day, it will not anticipate the discussion on the matter which it has so ordered by a Motion on the same subject. There—  
[cont.]

SPEAKER, The—*cont.*

fore, if the hon. Member (Mr. Newdegate) postpones the second reading of the Bill to a later day than the Resolution of which he has given notice, that Resolution could not be proceeded with, [219] 1054

Debate—Premature discussion of a subject—Mr. Speaker said, it was quite irregular, even if the hon. Member proposed to conclude with a Motion, to introduce a subject which stood on the Orders of the House for another day.—*Parliament—The late Count-out*, [219] 1002

Debate—Irregular discussion of a Bill—To discuss the provisions of a Bill on the Question for going into Committee of Supply is irregular.—*Colonial Office—The Official Staff*, [221] 795

Debate—Interruptions—Relevancy of Argument—Mr. Newdegate, in debate on *Monastic and Conventual Institutions*, referred to the case of Miss Talbot. Sir George Bowyer rose to Order. The hon. Member for North Warwickshire was going into transactions which he was misrepresenting. Mr. Speaker said, the hon. Member for North Warwickshire was not out of Order. The matter to which he was referring was relevant to the Motion, [219] 1508

Debate—Relevancy of argument—Sir George Bowyer rose to Order. The hon. Gentleman (Mr. Seely) appeared to be discussing a Bill which was not now before the House. Mr. Speaker said, the hon. Gentleman's observations were quite relevant. The hon. Gentleman was calling on the Government to introduce a Bill and was discussing other measures that related to the question he now brought forward.—*Security for Improvements by Agricultural Tenants*, [220] 191, 928

Debate—Right of Reply—Mr. Plimsoll having moved that the *Merchant Shipping Survey Bill*, which stood upon the Orders of the Day for Second Reading, be now read the second time, and a debate ensuing, rose to reply. Mr. Speaker said, he must remind the hon. Gentleman that he could only speak if he wished to make any explanation to the House as to the course he proposed to take with respect to his Motion.—*Merchant Shipping Survey Bill*, [220] 381; *Spirituous Liquors (Scotland) Bill*, [219] 584

Order—Reply—Mr. Hunt having presented Supplementary Navy Estimates, on a subsequent day, on Order for Committee, Sir John Hay moved an Amendment on Question "That Mr. Speaker, &c." Mr. Hunt replied; objected to:—Mr. Speaker said, that the Supplementary Estimates having been challenged, the right hon. Gentleman was justified in making a general statement in reply; but the discussion of the details was a matter for the consideration of the Committee of Supply, [218] 1869

Debate—Speaking a second time—Committee of Supply. Moved "That Mr. Speaker, &c." Mr. Newdegate moved an Amendment to leave out after "That" and insert *certain other words*; after debate, Question

[*cont.*]SPEAKER, The—*cont.*

put, and negatived: Question proposed, "That those words be there added." Debate thereon. Mr. Newdegate rose to address the House. Mr. Speaker informed the hon. Member that having made his Motion he could not speak again until [a suggested] Amendment was moved.—*Monastic and Conventual Institutions*, [221] 833

Debate—Speaking a second time—Supply Motion, "That Mr. Speaker do now leave the Chair." An Amendment moved: Mr. Bentinck addressed the House: Amendment withdrawn. Another Amendment moved: Mr. Bentinck rose: objected to—the hon. Member had already addressed the House on Question, "That Mr. Speaker, &c." Mr. Speaker said, that the Question now before the House was different from that on which the hon. Member for West Norfolk had previously spoken, and therefore he was at liberty to speak on the present Question, [218] 1883

Debate—Order—Addition to a Resolution—Motion made; Amendment proposed—Question, "That the words proposed to be left out stand part of the Question," put, and agreed to: An Amendment proposed to add certain words—Mr. Speaker said, that the House having decided "That the words, &c." should stand part of the Question, it was quite open to any hon. Member to propose the addition of words to the Resolution.—*Parliament—Business of the House*, [218] 286

Debate—Order—An hon. Member rising to comment upon an Amendment before it has been seconded is out of order.—*Parliament—Business of the House*, [218] 277

Debate—Order—Petition—Mr. Whalley, in moving the appointment of a Select Committee to inquire into his imprisonment for contempt of Court, referred to the words of a Petition:—Mr. Denison rose to Order—The hon. and learned Gentleman having on the previous day expressed his desire to withdraw that Petition, it was not now open to him to comment upon it. Mr. Speaker said, the Petition was duly presented to the House, and was ordered to lie upon the Table in the usual manner. The document having once been laid upon the Table of the House, could not be withdrawn without the formal sanction of the House. The hon. and learned Member was therefore quite in Order in referring to it, [219] 203

Debate—Order—Reference to a previous Debate—An hon. Member is not in Order in alluding to a former debate of the present Session.—*Municipal Privileges (Ireland) Bill*, [218] 951

Debate—Unparliamentary Language—Mr. Conolly having said that "without doubt he (Mr. Butt) and those with him would shrink from nothing, however illegal or unconstitutional"—Mr. Butt: I rise to Order. I move that the hon. Member's words be taken down. Mr. Conolly said, he withdrew the words with great pleasure. Mr. Speaker:

[*cont.*]

SPEAKER, The—*cont.*

It being moved that the words be taken down, let them be taken down accordingly. Mr. Conolly apologized, and withdrew the words. — *Public Meetings (Ireland) Bill*, [219] 589

Debate—Unparliamentary Language—An hon. Member having said that “at last he had got at the truth; but it had taken a long time to extract it—not from any intention of the right hon. Gentleman (Mr. Goschen) to mislead the House, but owing to the tendency of official habits.” Mr. Goschen remonstrated. Mr. Speaker said, he thought the hon. Member was about to qualify his statement, and he trusted he would withdraw it.—*Navy—Supplementary Estimates*, [218] 1875

Debate—Unparliamentary Language—Sir John Gray spoke of “a course which I hold to be unworthy of a Minister of Victoria, unworthy to be listened to by any man of honour in this House.” Mr. Speaker said, the hon. Member was exceeding the licence of debate. —*India—The Nawab Nasim of Bengal*, [220] 583

Debate—Unparliamentary Language—An hon. Member having said that if the Irish railways were delivered over to the English Government, the Irish officers would be told to go to America with a vengeance—or to “Hell or Connaught”—Mr. Speaker said, he must remind the hon. Member that his language exceeded the licence of Parliamentary debate. —*Acquisition and Control of Irish Railways*, [218] 1331

Opposed Business—A reference to a Select Committee could not, unless Notice of Opposition was given, be considered Opposed Business within the meaning of the Resolution of the House. —*Shannon Navigation Bill*, [220] 674

Order—*Public Worship Regulation Bill*, as amended, considered. Mr. Hubbard commented on the rejection of an Amendment he had moved in Committee. Sir W. Harcourt rose to Order:—could an hon. Member discuss in the House what had taken place in Committee? Mr. Speaker said the hon. Member was not in Order, the Question before the House being that this Bill be now considered, [221] 1044

Order—Relevancy of Amendment—The Motion, “That Mr. Speaker do now leave the Chair,” having been made, and an Amendment moved thereon, the Question, “That the words proposed, &c.,” was put, and agreed to. Mr. Bentinck desired to move another Amendment. Mr. Speaker said the House had affirmed the Motion that the words “That I do leave the Chair” should stand part of the Question, and any Amendment must be consistent with that Question. The words proposed by the hon. Member were not so consistent, [219] 426

Order—Relevancy of Motion—An hon. Member having brought forward a Question of Privilege, concluded by moving, “That this House do now adjourn.” Mr. Speaker said, when the hon. Member had brought the

[*cont.*]SPEAKER, The—*cont.*

matter under the notice of the House he should have concluded with a Motion founded on the allegation that he had brought forward, [219] 396

Order—Relevancy of Motion—Moved, “That the House do go into Committee on the [*Expiring Laws Continuance*] Bill on Thursday next.” Mr. McCarthy Downing moved, “That the House do now adjourn.” Mr. Speaker said, the Motion proposed by the hon. Member was not in Order. The Question before the House was, that the Committee on the Bill be taken on Thursday, [221] 744

Order—Reading Extracts—Mr. Biggar reading extracts from a book in a very low voice, Mr. Forsyth asked whether it was regular for an hon. Member to read to himself from a book! Mr. Speaker said, the hon. Member was not out of Order in quoting an extract; but he must, at the same time, remind him that the Rules of the House required him to address himself to the Chair, [221] 1003

Order—To quote extracts from newspapers referring to debates in this House is altogether irregular, [221] 309

Order—Free access to the House—In reference to a recent “Count-out” complaint was made that the ingress of Members to the House was purposely obstructed. Mr. Speaker said, he thought it his duty to state that it was no doubt the duty of the Serjeant-at-Arms to keep free access to the House on such an occasion, and he had every reason to believe that that duty was properly discharged last night, [219] 1304

Order—Petitions—On Motion for Committee on *Endowed Schools Acts Amendment Bill*, Mr. W. McArthur presented a Petition from the Wesleyan Body, and was proceeding to read the same, when—Mr. Speaker said, the hon. Member was out of Order in reading the Petition. If he wished it read, he should move that it be read by the Clerk at the Table, [221] 302

Order—Saturday Sitzings—The Standing Order [No. 66] says that the House at its rising on Friday shall stand adjourned until the following Monday, without any Question being put: but the House on Friday “adjourned:” meeting on Saturday at 12 A.M. for despatch of Business. Mr. Sullivan asked if the Sitting was regular. Mr. Speaker pointed out that the Standing Order provided “unless the House shall otherwise resolve.” The Standing Order had been complied with, inasmuch as the House had “otherwise resolved,” and Business had been set down on the Paper to be proceeded with at 12 o'clock this day, [221] 704

Privilege—Explosive Substances Committee—Mr. France having addressed a letter to the Chairman of the Explosive Substances Committee, reflecting on the Chairman, was ordered to attend the House on Monday, June 1; and attending accordingly, and admitting that he was the writer of the said letter, was ordered to withdraw: And an Order thereon being made, Mr. France was

[*cont.*]



**SPEAKER, The—cont.**

called in and admonished by Mr. Speaker. And it was directed that the material part of a letter of Mr. France, which contained Mr. France's withdrawal of the expressions which were offensive to the House, should appear upon the Journals, [219] 755

**Privilege**—Mr. Herbert brought under the notice of the House, as breaches of Privilege, two paragraphs in *The Morning Post*, one of which stated, incorrectly, that the Select Committees of the House would not meet on Monday owing to the visit of the Emperor of Russia to the City. Mr. Speaker said, it was no doubt highly to be regretted that an incorrect account should be published of the proceedings of the House; but he must remind hon. Members that they had an authorized record of their proceedings in the Votes and Proceedings of the House, and it was to that record that hon. Members should pay attention, [219] 395

**Privilege**—Committal of a Member by the Court of Queen's Bench for Contempt—Mr. Speaker reads to the House a Letter from the Lord Chief Justice of England notifying that it had been his duty to commit Mr. Whalley, a Member of the House, for contempt of his Court, [218] 52

Mr. Speaker submits whether the said Letter be referred to the Committee of Privileges or to a Select Committee, 108

**Questions**—Mr. Speaker having ruled that a certain Question was not out of Order, said—At the same time the Prime Minister would have been quite entitled to decline to answer a Question of that character, as an Answer might involve argument and debate.—*Ireland—Coercive Legislation*, [218] 544

**Supply**—It is irregular to discuss the provisions of a Bill on the Question for going into Committee of Supply.—*Colonial Office—The Official Staff*, [221] 795, 720

**SPINKS, Mr. Serjeant F. L., Oldham**

Public Worship Regulation [Consolidated Fund, &c.], Comm. [221] 916

Supreme Court of Judicature Act (1873) Amendment, Comm. cl. 2, [221] 157

**Spirituous Liquors (Scotland) Bill**

(*Sir Robert Anstruther, Mr. Fordyce, Mr. Dalrymple*)

c. Considered in Committee; Resolution agreed to, and reported; Bill ordered; read 1<sup>o</sup> \* Mar 20 [Bill 10]

Read 2<sup>o</sup>, after debate May 20, [219] 546

Committee \*; Report; Re-comm. June 30 [Bill 185]

Bill withdrawn \* July 16

**STACPOOLE, Captain W., Ennis**

Army—Cavalry Officer, Charge against a, [221] 293

Medical Officers, [220] 418

Intoxicating Liquors (Ireland) (No. 2), Comm. cl. 11, [220] 342

**Standards Commission, 1870**

Question, Observations, Lord Colchester; Reply, The Earl of Dunmore Mar 23, [218] 222

**STANFORD, Mr. V. F. Bennett, Shaftesbury**

Army—War Office Circular—Volunteer Force, [219] 267

**STANHOPE, Earl**

Public Worship Regulation, Re-comm. cl. 8, [219] 1128; cl. 22, 1573

**STANHOPE, Hon. E., Lincolnshire, Mid.**

Endowed Schools Acts Amendment, Comm. cl. 4, [221] 602

Factories (Health of Women, &c.), 2R. [219] 1431

Friendly Societies, 2R. Motion for Adjournment, [220] 268

Science and Art—Dr. Schliemann's Antiquities from the Troad, [218] 1840

**STANHOPE, Mr. W. T. W. S., Yorkshire, W.R.**

Factories (Health of Women, &c.), Comm. add. cl. [220] 337

Intoxicating Liquors, Consid. cl. 8, [220] 101

Ways and Means—Local Taxation—Lunatics, &c. [218] 1181

Ways and Means—Financial Statement, Res. 3, [218] 687

**STANLEY OF ALDERLEY, Lord**

Afghanistan, [218] 1917

Army—Recruiting, Address for Correspondence, [220] 499

Brussels, Conference at, [219] 1400

Church Patronage (Scotland), 1R. [219] 384

Courts (Straits Settlements), Commons Amends. Consid. [221] 173, 175, 178

Diplomatic Service—Consulship at Saigon, [221] 618

Endowed Schools Acts Amendment, 2R. [221] 1140

India Councils, 3R. [219] 1577

Infanticide, Comm. [221] 848

Malay Peninsula, [220] 1054

Malay Peninsula, Address for Correspondence, [219] 467, 477;—Sir Harry Ord, 601

Public Worship Regulation, Comm. cl. 9, [219] 1144; Personal Explanation, [221] 1401

**STANLEY, Hon. Captain F. A. (Financial Secretary for War) Lancashire, N.**

Army—Cavalry Horses, [218] 1834

Army Estimates—Chelsea and Kilmainham Hospitals, [218] 536

Control Establishments, Wages, &c. [218] 533

Purchase Commission, [218] 760

Volunteer Corps, [218] 533

Ashantee War—Garrison at Prahu, [218] 1841

**STANSFELD, Right Hon. J., *Halifax***

Factories (Health of Women, &c.), Comm.  
add. cl. [220] 337  
Intoxicating Liquors, Consid. cl. 27, [220] 116  
Mutiny, Comm. cl. 107, [218] 705  
Registration of Births and Deaths, 2R. [219]  
284; Consid. add. cl. [221] 835  
Sanitary Laws Amendment, Comm. cl. 25,  
[220] 1496; cl. 31, 1497; cl. 36, 1499  
Supply—Local Assessments—Relief of the  
Poor, [220] 478  
Report—Greenwich Hospital and School,  
[220] 1493  
University Female Education, [219] 1546  
Valuation of Property, 2R. [219] 661; Comm.  
cl. 3, [220] 181, 646, 648, 650, 651, 657;  
cl. 4, 666; add. cl. 671

**STARKIE, Mr. J. P. C., *Lancashire, N.E.***

Factories (Health of Women, &c.), 2R. [219]  
1460  
Intoxicating Liquors, Comm. cl. 2, [219] 1073  
Supply—Salaries of the Officers, &c. of the  
Household of the Lord Lieutenant of Ireland,  
[219] 347

**Statute Law Revision Bill [H.L.]**

(*The Lord Chancellor*)

- l. Presented; read 1<sup>st</sup> May 21 (No. 77)  
Read 2<sup>nd</sup> June 15, [219] 1566  
Committee June 16  
Report June 18  
Read 3<sup>rd</sup> June 19
- c. Read 1<sup>st</sup> (Mr. Attorney General) June 22  
Read 2<sup>nd</sup> June 29 [Bill 163]  
Committee; Report July 2  
Read 3<sup>rd</sup> July 3
- l. Royal Assent July 16 [37 & 38 Vict. c. 35]

**Statute Law Revision (No. 2) Bill [H.L.]**

(*The Lord Chancellor*)

- l. Presented; read 1<sup>st</sup> July 2 (No. 147)  
Read 2<sup>nd</sup> July 27  
Committee; Report July 28  
Read 3<sup>rd</sup> July 30
- c. Read 1<sup>st</sup> (Mr. Attorney General) July 30  
Read 2<sup>nd</sup> July 31 [Bill 237]  
Committee; Report August 1  
Read 3<sup>rd</sup> August 3
- l. Royal Assent August 7 [37 & 38 Vict. c. 96]

**STEVENSON, Mr. J. C., *South Shields***

Endowed Schools Acts Amendment, Comm.  
[221] 438  
Intoxicating Liquors, Comm. cl. 2, [219] 1095;  
cl. 19, Amendt. 1179, 1181  
Metropolitan Buildings and Management, 2R.  
[218] 1354  
Municipal Boroughs (Auditors and Assessors),  
2R. [219] 595

**STEWART, Mr. M. J., *Wigton Bo.***

Church Patronage (Scotland), 2R. [220] 1130,  
1132; Comm. cl. 3, [221] 692; cl. 4, 839  
Contagious Diseases (Animals)—Report of  
Committee (1873), [220] 589  
Endowed Schools Acts Amendment, Comm.  
cl. 4, [221] 606  
Game Laws (Scotland), 2R. [218] 1381

[cont.]

**STEWART, Mr. M. J.—cont.**

Museums, Opening of, on a Sunday, Res. [219]  
527  
Supply—Local Government Board, [221] 812  
Supreme Court of Judicature Act (1873)  
Amendment, Comm. cl. 12, [221] 172

**STORER, Mr. G., *Nottinghamshire, S.***

Contagious Diseases (Animals)—Report of  
Committee (1873), [220] 596  
Game Birds (Ireland), 2R. [218] 621  
Intoxicating Liquors, Leave, [218] 1263;  
Comm. cl. 2, [219] 1075  
Juries, Comm. cl. 53, [219] 676  
Malt Tax, Res. [218] 1028  
Ways and Means—Financial Statement, Res. 3,  
[218] 697

**STRADBROKE, Earl of**

Rating, 2R. [221] 280

***Straits Settlements, The***

Questions, General Sir George Balfour; An-  
swer, Mr. J. Lowther May 4, [218] 1588  
*Singapore Emigration Act*, Question, Mr.  
Palmer; Answer, Mr. J. Lowther Mar 31,  
[218] 484  
[See title *Malay Peninsula*]

**STRATHNAIRN, Lord**

Army—Recruiting, Address for Correspondence,  
[220] 481, 493, 503, 504  
Army—Royal Warrant, 1871—First Commis-  
sions, Address for a Paper, [221] 1393  
Army and Militia—Address for Returns, [219]  
747  
India Councils, 3R. [219] 1582

***Suez Canal***

*The International Commission*, Observations,  
Mr. Gourley; Reply, Mr. Bourke Mar 26,  
[218] 334; Question, Mr. O'Donnell; Answer,  
Mr. Bourke April 30, 1408  
*Threatened Suspension of Navigation*, Question,  
Sir George Jenkinson; Answer, Mr. Disraeli  
April 17, [218] 714; April 24, 1096; Question,  
Sir George Jenkinson; Answer, Mr. Bourke  
April 27, 1182; Question, Earl De La Warr;  
Answer, The Earl of Derby May 8, 1925  
Despatch on Tonnage Dues *Parl. P.* [989]  
Correspondence . . . . . [943]

***Suez Canal***

Moved, That an humble Address be presented  
to Her Majesty for Copies of any existing  
treaties or conventions for insuring the neu-  
tralization of the Suez Canal in war time  
(*The Lord Dunsany*) June 5, [219] 1032; after  
short debate, Motion withdrawn

**SULLIVAN, Mr. A. M., *Louth Co.***

Commissioners of Education (Ireland)—Na-  
tional School at Altanagh, [221] 767  
Controverted Elections (Ireland)—Mr. Justice  
Lawson, Res. [218] 1894  
Endowed Schools Acts Amendment, Comm.  
[221] 376; cl. 1, 512, 514, 515; Preamble,  
560

[cont.]

SULLIVAN, Mr. A. M.—*cont.*

Expiring Laws Continuance, 2R. [221] 748, 745; Comm. 990, 1010; *cl.* 2, 1015; Schedule, 1019, 1020, 1022; Schedule 2, 1026, 1027

Foyle College, Comm. [221] 381

Intoxicating Liquors, 2R. Motion for Adjournment, [219] 146, 148

Intoxicating Liquors (Ireland), [218] 1927; Leave, [219] 367

Intoxicating Liquors (Ireland) (No. 2), Comm. *cl.* 5, [220] 212; *cl.* 10, Amendt. 214; *cl.* 11, Amendt. 339, 343; *cl.* 15, 1002, 1003; *cl.* 18, 1004; *cl.* 21, 1006; *add. cl.* 1007, 1008, 1010, 1013

Ireland—Miscellaneous Questions

Board of National Education, [219] 1588

Commissioners of National Education, [219] 1161

Convict Prisons, [219] 1562

Preservation of Irish Antiquities, [221] 976

Ireland—National Education Commissioners—

Callan Schools, Res. [219] 901

Irish Fisheries, Res. [218] 1512

Monastic and Conventual Institutions, Motion

for an Address, [221] 831

Municipal Franchise (Ireland), 2R. [218] 780

Municipal Privileges (Ireland), 2R. [218] 955

Parliament—Address in Answer to the Speech,

[218] 160

Count Out, The late, [219] 1303

Saturday Sittings, [221] 704

Parliament—Business of the House, Res. [219]

1413; [221] 713

Parliamentary Relations (Great Britain and

Ireland)—Home Rule, Comm. Res. [220] 781

Permissive Prohibitory Liquor, 2R. [220] 47,

49

Supply—Criminal Prosecutions, &c. Ireland,

[219] 359, 360

Government Prisons, &c. Ireland, [219] 861,

362, 366

Livingstone, Dr., Family of the late, [221]

827

Miscellaneous Expenses, [221] 826

Public Record Office, Ireland, and Keeper

of State Papers, Dublin, [219] 350

Salaries of the Officers, &c. of the House-

hold of the Lord Lieutenant of Ireland,

[219] 344

## Summary Jurisdiction (Ireland) Bill

(Sir Michael Hicks-Beach, Mr. Attorney

General for Ireland)

c. Ordered; read 1<sup>o</sup> July 20 [Bill 217]

Bill withdrawn \* July 27

## Superannuation Act—County Court Clerks

Question, Sir Eardley Wilmot; Answer, Mr.

W. H. Smith July 25, [221] 705

## SUPPLY

218] Civil Service Estimates—Public Offices Fur-

niture, Question, Mr. Mellor; Answer, Mr.

W. H. Smith Mar 31, 485

. Charges on the Consolidated Fund, Question,

Sir William Harcourt; Answer, The Chan-

celler of the Exchequer Mar 30, 407

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Supply—*cont.*

Resolved, That this House will, To-morrow, resolve itself into a Committee to consider of the Supply to be granted to Her Majesty Mar 20

House in Committee of Supply; Moved, "That

Mr. Cecil Raikes take the Chair" (Mr. Disraeli); Motion agreed to Mar 21

218] Considered in Committee Mar 21, 193—DE-

FICIENCIES, 1872-3—CIVIL SERVICES, £47,433

—REVENUE DEPARTMENTS—POST OFFICE,

£260,336: SUPPLEMENTARY ESTIMATES—

NAVY, £105,000—ASHANTEE EXPEDITION,

£800,000—CIVIL SERVICE ESTIMATES,

£130,577—REVENUE DEPARTMENTS, £79,450

—Resolutions reported Mar 23

. Considered in Committee Mar 23, 249—NAVY,

ARMY, CIVIL SERVICE, AND REVENUE DEPART-

MENTS—VOTES ON ACCOUNT—WAGES, SEA-

MAN AND MARINES, £2,000,000; after short

debate, Vote agreed to—PAY AND ALLOW-

ANCES, LAND FORCES, £2,000,000; after short

debate, Vote agreed to, 250—Resolutions

reported Mar 24

Considered in Committee—Committee R.P.

Mar 27

. Considered in Committee Mar 30, 432—ARMY

ESTIMATES—Departmental Statement of the

Secretary of State for War on moving the

Army Estimates—NAVY ESTIMATES (60,000

Men and Boys), 477—Resolutions reported

April 1

. Considered in Committee April 13, 526—ARMY

ESTIMATES—Resolutions reported April 16

. Considered in Committee April 17, 760—ARMY

ESTIMATES—ARMY PURCHASE COMMISSION—

CIVIL SERVICE ESTIMATES—CLASS II.—SALA-

RIES AND EXPENSES OF PUBLIC DEPARTMENTS

—Resolutions reported April 20, 896

. Considered in Committee April 20, 848—

ASHANTEE WAR—GRANT TO SIR GARNET J.

WOLSELEY—Resolution reported April 21

. Considered in Committee April 20, 849—NAVY

ESTIMATES—Departmental Statement of the

First Lord of the Admiralty in moving the

Navy Estimates—Committee R.P.

. Considered in Committee April 24, 1132—

CIVIL SERVICE ESTIMATES—CLASS I.—PUBLIC

WORKS AND BUILDINGS—Resolutions reported

April 27

. Considered in Committee April 30, 1412—NAVY

ESTIMATES—Resolutions reported May 4—

Committee R.P.

. Considered in Committee May 7, 1902—

ASHANTEE EXPEDITION—NAVY ESTIMATES—

Resolutions reported May 8—Committee

R.P.

219] Considered in Committee May 15, 343—CIVIL

SERVICE ESTIMATES

. Considered in Committee May 18, 428—

NAVY ESTIMATES—Resolutions reported

May 19

CIVIL SERVICE ESTIMATES—Resolutions May 15

reported

. The First Seven Resolutions, being read a

second time, were agreed to May 18, 449

The Eighth Resolution (£20,000 Secret Ser-

vice), being read a second time,

3 K

[cont.]

*Supply—cont.*

Amendt. to leave out “£20,000,” and insert “£17,000” (*Mr. Butt*) v. ; Question proposed, “That ‘£20,000,’ &c. ;” after short debate, Question put ; A. 215, N. 31 ; M. 184 ; Resolution agreed to

The Ninth Resolution, being read a second time, was agreed to

The Tenth Resolution, being read a second time, after short debate, was agreed to  
Subsequent Resolutions agreed to

219] Considered in Committee June 1, 788—CIVIL SERVICE ESTIMATES—CUSTOMS DEPARTMENT—INLAND REVENUE DEPARTMENT, 795—Resolutions reported June 2

*The Phoenix Park Riots*

Postponed Resolutions 1 and 9 (Criminal Prosecutions, Ireland, and Office of the Commissioners of National Education, Ireland) [reported 2nd June], further considered June 5, 1118 ; after short debate, Resolutions agreed to

Considered in Committee June 12—Committee R.P.

*Supply—cont.*

219] Considered in Committee June 15, 1636—CIVIL SERVICE ESTIMATES—CLASS IV.—EDUCATION, SCIENCE, AND ART—REVENUE DEPARTMENTS—POST OFFICE, PACKET, AND TELEGRAPH SERVICES—Resolutions reported June 16

220] Considered in Committee—Committee R.P. June 19

Considered in Committee June 25, 445—CIVIL SERVICE ESTIMATES—Resolutions reported June 29

Considered in Committee—Committee R.P. June 26

Considered in Committee July 3—£139,041, Greenwich Hospital and School—Resolution reported July 10

221] Considered in Committee—Committee R.P. July 17

Considered in Committee—Committee R.P. July 24

Considered in Committee July 27, 797—SUPPLEMENTARY ESTIMATES—On Motion, “That the Chairman report the Resolutions to the House ;” after short debate, Motion agreed to—Resolutions reported July 28

SUMMARY.

APPROPRIATION OF GRANTS.	£	s.	d.
Deficiencies, 1872-3 ... ..	307,770	14	6
Supplementary, 1873-4 ... ..	1,115,027	0	0

1874-5.

NAVY SERVICES ... ..	10,329,485	0	0
ARMY SERVICES ... ..	14,485,300	0	0
ARMY PURCHASE COMMISSION ...	657,800	0	0
CIVIL SERVICES—viz. :			
I. Public Works and Buildings ... ..	1,533,803		
II. Salaries, &c. Public Departments ...	2,159,548		
III. Law and Justice ... ..	4,655,330		
IV. Education, Science, and Art ... ..	2,591,865		
V. Colonial and Consular Services ...	621,763		
VI. Superannuation, &c. ... ..	528,196		
VII. Miscellaneous ... ..	47,587		
Sir Garnet Wolseley, K.C.B. ... ..	25,000		
	12,163,072	0	0
REVENUE DEPARTMENTS, &c. ...	7,622,870	0	0
ADVANCES FOR GREENWICH HOSPITAL AND SCHOOL ...	139,041	0	0
ASHANTER EXPEDITION ... ..	100,000	0	0
Total ... ..	£46,920,365	14	6

SUMMARY.

WAYS AND MEANS.

GRANTS OUT OF THE CONSOLIDATED FUND.

	£	s.	d.	£	s.	d.
For the service of the years ending 31st March 1873 and 1874 ;						
Under Act 37 Vic. cap. 1 ... ..	1,422,797	14	6			
For the service of the year ending 31st March 1875 ; viz.						
Under Act 37 Vic. cap. 2 ... ..	7,000,000	0	0			
Under Act 37 Vic. cap. 10 .. ...	13,000,000	0	0			
Under this Act ... ..	25,497,568	0	0			
				45,497,568	0	0
Total ... ..	£46,920,365	14	6			

DEFICIENCIES 1872-3.

COMMITTEE Mar 21—REPORT Mar 23

CIVIL SERVICES, viz.,	Total of Vote
CLASS I.	£ s. d.
Royal Palaces ... ..	8,337 5 2

*Supply—cont.*

	Total of Vote.
	£ s. d.
Royal Parks ... ..	363 2 8
Surveys of United Kingdom ...	4,227 19 5
Rates on Government Public Buildings, &c.	4 1

[cont.]

Supply—cont.	Total of Vote.
<b>CLASS II.</b>	<b>£ s. d.</b>
Treasury ... ..	33 2 2
Board of Trade ... ..	875 2 5
Civil Service Commission ...	1,539 16 3
Exchequer and Audit Department ... ..	743 4 8
Patent Office ... ..	301 16 10
Registrars of Friendly Societies ...	209 17 1
Printing and Stationery ... ..	3,583 0 2
Works and Public Buildings, Office of ... ..	1,073 3 9
Lord Lieutenant's Household, Ireland ... ..	415 18 2
Chief Secretary's Office, Ireland ...	2,209 5 11

<b>CLASS III.</b>	
Metropolitan Police ... ..	582 5 3
County and Borough Police (Great Britain) ... ..	77 13 5
Miscellaneous Legal Charges, England ... ..	0 16 0
Courts of Law and Justice, Scotland Register House Departments, Edinburgh ... ..	1,508 18 2
Prisons, Scotland ... ..	810 14 9
Law Charges and Criminal Prosecutions, Ireland ... ..	147 7 6
Common Law Courts, Ireland ... ..	11,912 12 7
Registry of Judgments, Ireland ... ..	527 17 5
Dublin Metropolitan Police ... ..	54 14 7
	1,943 2 10

<b>CLASS IV.</b>	
National Gallery, Ireland ... ..	106 9 11

<b>CLASS V.</b>	
Diplomatic Services ... ..	885 7 10
Orange River Territory and St. Helena ... ..	62 7 0
Slave Trade, Commissions for Suppression of ... ..	67 14 3

<b>CLASS VI.</b>	
Superannuations and Retired Allowances ... ..	1,954 17 5
Hospitals and Infirmaries, Ireland ... ..	0 17 7

<b>CLASS VII.</b>	
Abyssinia : Presents to Prince Kassai ... ..	1 3 7
	47,433 15 10

REVENUE DEPARTMENTS, viz.

<b>COMMITTEE Mar 21—REPORT Mar 23</b>	
Customs ... ..	£10,383 11 6
Post Office ... ..	£40,527 9 10
Post Office Packet Service ... ..	£4,469 19 8
Post Office Telegraph Service ... ..	£204,955 17 8
	260,336 18 8
After short debate, Vote agreed to [218] 193	
<b>Total ...</b>	<b>£307,770 14 6</b>

[cont.]

Supply—cont.	Total of Vote.
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SUPPLEMENTARY.

<b>COMMITTEE Mar 21—REPORT Mar 23</b>	
NAVY, viz.	£

For certain expenses in connection with the expedition to Zanzibar, for the purpose of better enforcing the prohibition of the Slave Trade  
After short debate, Vote agreed to [218] 208 105,000

**ASHANTEE EXPEDITION:—**  
Towards defraying the expense of the expedition into Ashantee ...  
Moved, "That a sum, not exceeding £800,000, be granted, &c."  
Moved, "That a sum, not exceeding £785,000, &c." (Sir John Hay); after short debate, Motion withdrawn; Vote agreed to [218] 198 800,000

CIVIL SERVICES, viz.:

<b>CLASS III.</b>	
Law Charges, England ... ..	44,150
London Bankruptcy Court ... ..	1,880
Police, counties and boroughs (Great Britain) ... ..	16,500
Miscellaneous legal charges, England ... ..	709
Law charges and criminal prosecutions, Ireland ... ..	22,000
County prisons and reformatories, Ireland ... ..	3,900

<b>CLASS IV.</b>	
Endowed Schools Commission ... ..	4,038

<b>CLASS V.</b>	
Grants in aid of expenditure in certain colonies ... ..	4,000

<b>CLASS VI.</b>	
Superannuation and retired allowances ... ..	12,000

<b>CLASS VII.</b>	
Temporary Commissions ... ..	4,550
Mediterranean Extension Telegraph Company ... ..	1,812
Repayments to civil contingencies ... ..	15,038
	130,577

REVENUE DEPARTMENTS.

Customs ... ..	37,600
Post Office—Packet Service ... ..	41,850
<b>Total ...</b>	<b>£1,115,027</b>

NAVY ESTIMATES, 1874-5.

**COMMITTEE Mar 30—REPORT April 1**  
60,000 Men and Boys—Moved, "That 60,000 Men and Boys be employed for the Sea and Coastguard Service for the year ending 31st March, 1875, including 14,000 Royal Marines;" [218] 477; Vote agreed to ... 60,000

[cont.]

SUP    SUP    { GENERAL INDEX }    SUP    SUP

218—219—220—221.

*Supply—cont.*

**COMMITTEE April 20**

Statement of the First Lord of the Admiralty (*Mr. Hunt*) on moving "That a sum, not exceeding £802,757, be granted to complete, &c. Wages to Seamen and Marines" [218] 849; after long debate, Committee *r.p.*

**COMMITTEE April 30—REPORT May 4**

Motion again made, [218] 1412; after further long debate, Vote agreed to

(1.) † £802,757, Wages to Seamen and Marines ...	£ 2,602,757
(2.) Victuals and Clothing for ditto...	1,064,264
(3.) Admiralty Office ...	178,066
(4.) Coast Guard Service, Royal Naval Reserve, &c. ...	163,311
(5.) Scientific Branch [218] 1485	111,170
After short debate, Vote agreed to	

**COMMITTEE May 7—R.P.**

**COMMITTEE May 18—REPORT May 19**

(6.) Dockyards and Naval Yards at Home and Abroad (including £150,000 Supplementary) ...	[219] 428 1,235,326
After long debate, Vote agreed to	

**COMMITTEE April 20—REPORT May 4**

(7.) Victualling Yards at Home and Abroad ...	72,885
(8.) Medical Establishments at Home and Abroad ...	63,701
(9.) Marine Divisions [218] 1486	18,720
After short debate, Vote agreed to	

**COMMITTEE May 18—REPORT May 19**

(10.) Naval Stores for the Building, Repair, and Outfit of the Fleet and Coast Guard, Steam Machinery and Ships built by Contract:	
Section I. Naval Stores ...	1,143,159
After debate, Vote agreed to	
[219] 440	
Section II. Steam Machinery and Ships built by Contract	
Moved, "That a sum, not exceeding £802,904 (including £45,000 Supplementary), be granted, &c."	
Moved, "That a sum, not exceeding £757,904, &c." ( <i>Mr. Palmer</i> ); after debate, Motion withdrawn: Vote agreed to ...	[219] 443 802,904

**COMMITTEE April 30—REPORT May 4**

(11.) New Works, Buildings, Machinery, and Repairs ...	682,061
(12.) Medicines and Medical Stores ...	70,520
(13.) Martial Law and Law Charges ...	15,605
(14.) Miscellaneous Services ...	13,510
Total for the Effective Service ...	8,337,959
(15.) Half Pay, Reserved Half Pay, and Retired Pay to Officers of the Navy and Royal Marines ...	870,166

[cont.]

Total of *Supply—cont.*  
Vote.

Total of  
Vote.  
£

(16.) Military and Civil Pensions and Allowances:	
Section I. Military Pensions and Allowances ...	657,090
Section II. Civil Pensions and Allowances [218] 1486	288,670
After short debate, Vote agreed to	
Total for the Naval Service ...	10,153,885

**FOR THE SERVICE OF OTHER DEPARTMENTS OF GOVERNMENT.**

**COMMITTEE May 7—REPORT May 8**

(17.) Army Department (Conveyance of Troops) ...	[218] 1902
Moved, "That a sum, not exceeding £175,600, be granted, &c."	
After short debate, Vote agreed to ...	175,600
Grand Total NAVY ESTIMATES ...	£10,329,485

**ARMY ESTIMATES, 1874-75.**

**COMMITTEE Mar 30—REPORT Mar 31**

Statement of the Secretary of State for War (*Mr. Gathorne Hardy*) on moving "That a number of Land Forces not exceeding 128,994 be maintained for the Service, &c. from the 1st day of April 1874, to the 31st day of March 1875" [218] 432  
Motion made, and Question proposed, "That a number of Land Forces, not exceeding 118,994, &c." (*Sir Wilfrid Lawson*); after debate, Question put; A. 45, N. 256; M. 211

Original Question put, and agreed to

	NUMBERS.	Numbers
(A.) Total number of Men, exclusive of the Staff of Brigade Depôts to be formed from permanent Staff of Auxiliary Forces ...		125,030
Staff of Brigade Depôts to be formed from Staff of Auxiliary Forces ...		3,964
Total number of Men upon the British Establishment ...		128,994

**I. REGULAR FORCES.**

(1.) General Staff and Regimental Pay, Allowances, and Charges ...	£ 4,434,500
--	-------------

**COMMITTEE April 13—REPORT April 16**

(2.) Divine Service ...	48,100
After short debate, Vote agreed to	
[218] 526	
(3.) Administration of Military Law	26,300
After short debate, Vote agreed to	
[218] 526	
(4.) Medical Establishments and Services ...	243,200
After short debate, Vote agreed to	
[218] 527	

[cont.]

<i>Supply—cont.</i>	Total of Vote. £
II. AUXILIARY AND RESERVE FORCES.	
(5.) Militia Pay and Allowances	738,500
After debate, Vote agreed to	[218] 528
(6.) Yeomanry Cavalry	78,900
(7.) Volunteer Corps	[218] 532 430,800
After short debate, Vote agreed to	
(8.) Army Reserve Force (including Enrolled Pensioners)	121,700
III.—CONTROL ESTABLISHMENTS AND SERVICES.	
(9.) Control Establishments, Wages, &c. ...	[218] 533 368,100
After short debate, Vote agreed to	
(10.) Provisions, Forage, Fuel, Trans- port, and other Services	2,960,800
(11.) Clothing Establishments, Ser- vices, and Supplies	743,100
(12.) Supply, Manufacture, and Repair of Warlike and other Stores	970,000
After short debate, Vote agreed to	[218] 533

#### IV.—WORKS AND BUILDINGS.

(13.) Superintending Establishment of, and Expenditure for, Works, Build- ings, and Repairs, at Home and Abroad ...	[218] 534 761,300
After short debate, Vote agreed to	

#### V.—VARIOUS SERVICES.

(14.) Establishments for Military Edu- cation ...	135,200
(15.) Miscellaneous Services	
Moved, "That a sum, not exceeding £31,400, be granted, &c."	
Moved, "That the Item of £6,603 for expenses arising from the Con- tagious Diseases Prevention Act be omitted, &c." ( <i>Mr. Gourley</i> ); after short debate, Amendt. nega- tived; Vote agreed to	[218] 535 31,400
(16.) Administration of the Army	205,900
Total Effective Services	<u>£12,297,800</u>

#### VI.—NON-EFFECTIVE SERVICES.

(17.) Rewards for Distinguished Ser- vices, &c. ...	34,000
(18.) Pay of General Officers	81,600
(19.) Full Pay of Reduced and Retired Officers and Half-pay	521,100
(20.) Widows' Pensions, &c.	146,800
(21.) Pensions for Wounds	16,300
(22.) Chelsea and Kilmainham Hos- pitals (In-Pensions)	
Moved, "That a sum, not exceeding £36,100, be granted, &c."	
Moved, "That the Item of £250 for Chaplains at Kilmainham Hos- pital be omitted, &c." ( <i>Captain Nolan</i> ); after short debate, Amendt. withdrawn; Vote agreed to	[218] 536 36,100
(23.) Out-Pensions	1,155,600
(24.) Superannuation Allowances	172,100

[cont.]

<i>Supply—cont.</i>	Total of Vote. £
(25.) Militia, Yeomanry, Cavalry, and Volunteer Corps	20,900
Losses Written off as Irre- coverable	—
Total Non-Effective Services	<u>£2,187,500</u>
Total Effective and Non-Effective Services	14,485,300
Total Amount of Estimate, 1874-5	14,485,300
Deduct estimated Exchequer Ex- tra Receipts	1,191,500
Net Charge for Army Services, 1874-75	<u>£13,293,800</u>

COMMITTEE April 17—REPORT April 20	£
ARMY PURCHASE COMMISSION	657,800
After short debate, Vote agreed to	[218] 760

#### CIVIL SERVICE ESTIMATES, 1874-75.

\* \* The Votes marked † are "to complete sums" for the several Services named.

#### CLASS I.—PUBLIC WORKS AND BUILDINGS.

COMMITTEE April 24—REPORT April 28	Total of Vote.
GREAT BRITAIN :	£
(1.) † £28,630, Royal Palaces	34,630
After short debate, Vote agreed to	[218] 1132
(2.) † £88,266, Royal Parks	106,266
After short debate, Vote agreed to	[218] 1132
(3.) † £125,767, Public Buildings	150,767
After short debate, Vote agreed to	[218] 1134
(4.) † £12,058, Furniture of Public Offices	14,458
(5.) † £23,695, Houses of Parliament	28,695
After short debate, Vote agreed to	[218] 1135
(6.) † £34,730, New Home and Colo- nial Offices	41,730
After short debate, Vote agreed to	[218] 1137
(7.) † £12,016, Sheriff Court Houses, Scotland	14,416
(8.) † £25,000, National Gallery En- largement	30,000
After short debate, Vote agreed to	[218] 1139
(9.) † £4,000, Industrial Museum, Edinburgh	5,000
(10.) † £9,134, Burlington House	11,134
(11.) † £113,467, Post Office and Inland Revenue Buildings	[218] 1140 136,467
After short debate, Vote agreed to	
(12.) † £4,545, British Museum Build- ings	5,545
(13.) † £40,823, County Courts	48,823
(14.) † £8,106, Science and Art De- partment	9,706
(15.) † £110,000, Surveys of the United Kingdom	[218] 1140 132,000
After short debate, Vote agreed to	
(16.) † £7,103, Harbours of Refuge	8,803

[cont.]

SUP SUP { GENERAL INDEX } SUP SUP

218—219—220—221.

<i>Supply—cont.</i>	Total of Vote. £	<i>Supply—cont.</i>	Total of Vote. £
(17.) Portland Harbour ... ..	130	(5.) + £51,713, Foreign Office ...	61,713
(18.) + £8,800, Metropolitan Fire Brigade ... ..	10,000	(6.) + £26,890, Colonial Office ...	32,290
(19.) + £30,061, Rates on Government Property ... [218] 1140	36,061	(7.) + £26,276, Privy Council Office and Subordinate Departments ...	31,276
After short debate, Vote agreed to		(8.) + £91,916, Board of Trade and Subordinate Departments ...	109,916
(20.) + £400, Wellington Monument	500	After short debate, Vote agreed to [218] 768	
After short debate, Vote agreed to [218] 1141		(9.) + £2,222, Privy Seal Office Moved, "That a sum, not exceeding £2,222, be granted, &c.;" after debate, A. 135, N. 64; M. 71; Vote agreed to [218] 769	2,723
(21.) + £65,000, Natural History Mu- seum ... ..	80,000	(10.) + £16,458, Charity Commission	19,768
(22.) + £19,443, Metropolitan Police Courts [218] 1142	23,443	After short debate, Vote agreed to [218] 770	
After short debate, Vote agreed to		(11.) + £16,408, Civil Service Com- mission ... ..	19,708
(23.) + £65,800, New Courts of Justice, &c. ... [218] 1142	78,800	(12.) + £15,395, Copyhold, Inclosure, and Tithe Commission [218] 772	18,395
After short debate, Vote agreed to		After short debate, Vote agreed to	
(24.) + £630, Ramsgate Harbour ...	730	(13.) + £7,150, Inclosure and Drainage Acts Expenses ... ..	8,650
(25.) + £8,300, New Palace at West- minster—Acquisition of Lands, &c.	10,000	(14.) + £33,319, Exchequer and Audit Department	
After short debate, Vote agreed to [218] 1144		Moved, "That a sum, not exceeding £33,319, be granted, &c.;" after short debate, Vote agreed to ...	39,819
IRELAND :		[218] 772	
(26.) + £145,760, Public Buildings ...	174,760	(15.) + £1,998, Friendly Societies, Re- gistrars of ... ..	2,398
ABROAD :		(16.) + £309,699, Local Government Board ... [218] 775	369,699
(27.) Lighthouses Abroad ... ..	18,300	After short debate, Vote agreed to	
(28.) Embassy Houses and Consular Buildings ... ..	86,214	(17.) + £12,435, Lunacy Commission	14,935
Total ... £1,297,178		(18.) + £44,050, Mint ... ..	52,550
SUPPLEMENTARY 1874-5.		(19.) + £14,238, National Debt Office	17,238
COMMITTEE July 27—REPORT July 28		(20.) + £18,701, Patent Office	
(11.) Post Office and Inland Revenue Buildings ... [221] 809	15,000	Moved, "That a sum, not exceeding £18,701, be granted, &c."	
After short debate, Vote agreed to		Moved, "That a sum, not exceeding £15,251, &c." ( <i>Mr. Dilwyn</i> ); after debate, Motion withdrawn; Vote agreed to [218] 776	22,201
(13.) County Courts Buildings [221] 809	35,600	COMMITTEE May 15—REPORT May 18	
After short debate, Vote agreed to		(21.) + £18,827, Paymaster General's Office ... ..	22,327
(16.) Harbours of Refuge [221] 811	13,800	(22.) + £19,481, Public Record Office	22,981
After short debate, Vote agreed to		(23.) + £3,926, Public Works Loan Commission ... ..	4,726
(19.) Rates on Government Property	170,000	(24.) + £36,455, Register Office, General ... ..	43,455
After debate, Vote agreed to [221] 797		(25.) + £363,380, Stationery Office and Printing ... ..	436,380
(27.) Lighthouses Abroad ... ..	2,225	(26.) + £20,697, Woods, Forests, &c., Office of ... ..	24,697
Total Civil Services, Class I. ... £1,533,803		(27.) + £37,159, Works and Public Buildings, Office of ... ..	44,159
CLASS II.—SALARIES AND EXPENSES OF PUBLIC DEPARTMENTS.		(28.) + £20,000, Secret Service ...	24,000
ENGLAND :		SCOTLAND :	
COMMITTEE April 17—REPORT April 20		(29.) + £5,330, Exchequer and other Offices ... ..	6,330
(1.) + £36,984, House of Lords Offices Moved, "That a sum, not exceeding £36,984, be granted, &c."		(30.) + £10,475, Fishery Board ...	12,475
Moved, "That a sum, not exceeding £35,984, &c." ( <i>Mr. Dilwyn</i> ); after debate, A. 22, N. 125; M. 103; Vote agreed to [218] 761	44,484	(31.) + £4,930, Lunacy Commission ...	5,930
(2.) + £41,559, House of Commons Offices ... [218] 764	49,559	(32.) + £5,605, Register Office, General	6,605
After short debate, Vote agreed to		(33.) + £15,248, Board of Supervision	18,248
(3.) + £47,558, Treasury and Sub- ordinate Departments [218] 765	57,058		
After debate, Vote agreed to			
(4.) + £71,212, Home Office and Sub- ordinate Departments ... ..	85,212		
[cont.]			



**Supply—cont.**

IRELAND :		Total of Vote. £
(34.)	† £5,941, Lord Lieutenant's Household Moved, "That a sum, not exceeding £5,941, be granted, &c." Moved, "That a sum, not exceeding £3,929, &c." (Mr. Anderson); after debate, A. 28, N. 146; M. 118; Vote agreed to [219] 343	6,941 25,989
(35.)	† £21,989, Chief Secretary's Office After short debate, Vote agreed to [219] 347	25,989
(36.)	† £350, Boundary Survey ...	450
(37.)	† £1,987, Charitable Donations and Bequests Office [219] 348	2,387
(38.)	† £91,297, Local Government Board ...	109,297
(39.)	† £4,364, Public Record Office ... After short debate, Vote agreed to [219] 350	5,364 350
(40.)	† £22,917, Public Works Office After short debate, Vote agreed to [219] 351	27,417 351
(41.)	† £19,617, Register Office, General	23,617
<b>Total ...</b>		<b>£1,933,356</b>

**REPORT May 18**

First seven Resolutions agreed to; Eighth Resolution (£20,000 Secret Service Money) read a second time; Amendt. moved to "leave out £20,000, and insert £17,000" (Mr. Butt); after short debate, A. 215, N. 31; M. 184; Resolution agreed to; other Resolutions agreed to, after debate

[219] 449

**SUPPLEMENTARY 1874-5.**

**COMMITTEE July 27—REPORT July 28**

(16.)	Local Government Board ...	166,000
After debate, Vote agreed to [221] 811		
(18.)	Mint ...	4,500
(42.)	Pauper Lunatics (Ireland) ...	55,692
<b>Total Civil Services Class II. ...</b>		<b>£2,159,548</b>

**CLASS III.—LAW AND JUSTICE.**

**COMMITTEE May 15—REPORT May 18**

ENGLAND :		£
(1.)	† £43,323, Law Charges ...	51,823
(2.)	† £154,398, Criminal Prosecutions ...	185,398
(3.)	† £143,954, Court of Chancery ...	172,445
(4.)	† £59,895, Common Law Courts ...	71,895
(5.)	† £37,617, Court of Bankruptcy ...	45,117
(6.)	† £359,600, County Courts ...	430,600
(7.)	† £76,332, Probate Court ...	91,332
(8.)	† £10,335, Admiralty Court Registry ...	12,335
(9.)	† £4,370, Land Registry Office ...	5,370
(10.)	† £11,898, Police Courts (London and Sheerness) ...	14,398

**Supply—cont.**

		Total of Vote. £
(11.)	† £197,227, Metropolitan Police After short debate, Vote agreed to [219] 351	236,227
(12.)	† £310,098, County and Borough Police, Great Britain ...	372,098
(13.)	† £386,224, Convict Establishments in England and the Colonies	463,224
(14.)	† £87,420, County Prisons, Great Britain ...	104,420
(15.)	† £175,543, Reformatories and Industrial Schools, Great Britain	230,543
(16.)	† £26,724, Broadmoor Criminal Lunatic Asylum Moved, "That a sum, not exceeding £26,724, be granted, &c." Moved, "That a sum, not exceeding £11,890, &c.;" after debate, Motion withdrawn; Vote agreed to [219] 352	31,724
(17.)	† £15,480, Miscellaneous Legal Charges ...	18,480

**SCOTLAND :**

(18.)	† £58,420, Criminal Proceedings After short debate, Vote agreed to [219] 358	69,920
(19.)	† £50,375, Courts of Law and Justice ...	60,375
After short debate, Vote agreed to [219] 358		
(20.)	† £26,254, Register House Departments ...	31,254
(21.)	† £20,497, Prisons ...	24,497

**IRELAND :**

(22.)	† £65,153, Law Charges and Criminal Prosecutions Moved, "That a sum, not exceeding £65,153, be granted, &c." Moved to report Progress (Mr. Butt); after debate, Motion withdrawn; original Motion withdrawn [219] 358	
<b>Comm. June 1—Vote agreed to—Report June 2—Resolution postponed—June 5 Resolution further considered, and after short debate agreed to [219] 1118</b>		
(23.)	† £37,497, Court of Chancery ... After short debate, Vote agreed to [219] 360	78,153 44,497
(24.)	† £24,088, Common Law Courts	28,538
(25.)	† £8,840, Court of Bankruptcy and Insolvency ...	8,240
(26.)	† £10,892, Landed Estates Court	12,692
(27.)	† £9,663, Probate Court ...	11,663
(28.)	† £1,690, Admiralty Court Registry ...	2,090
(29.)	† £13,875, Registry of Deeds ...	16,375
(30.)	† £2,643, Registry of Judgments	3,143
(31.)	† £118,231, Dublin Metropolitan Police ...	135,231
(32.)	† £885,268, Constabulary ... After short debate, Vote agreed to [219] 361	1,062,268 41,350
(33.)	† £34,350, Government Prisons After debate, Vote agreed to [219] 361	

[cont.]

[cont.]

SUP SUP { GENERAL INDEX } SUP SUP

218—219—220—221.

*Supply*—cont.

	Total of Vote. £
(34.) † £74,174, County Prisons and Reformatories ...	89,174
(35.) † £4,371, Dundrum Criminal Lunatic Asylum ...	5,371
(36.) † £1,841, Four Courts, Marshalsea, Prison ...	2,141
(37.) † £57,156, Miscellaneous Legal Charges	
Moved, "That a sum, not exceeding £57,156, be granted, &c."	
Moved, "That a sum, not exceeding £49,856, &c." ( <i>Mr. Callan</i> ); after debate, Question put, and negatived ;	
Vote agreed to [219] 366	68,156
<b>Total ...</b>	<b>£4,332,607</b>

SUPPLEMENTARY 1874-5.

COMMITTEE July 27—REPORT July 28

(11.) Metropolitan Police [221] 815	155,200
After debate, Vote agreed to	
(12.) County and Borough Police, Great Britain ... [221] 816	160,000
After short debate, Vote agreed to	
(37.) Miscellaneous Legal Charges, Ireland ...	7,528
After debate, Vote agreed to [221] 817	
<b>Total Civil Services Class III. ...</b>	<b>£4,655,330</b>

CLASS IV.—EDUCATION, SCIENCE, AND ART.

COMMITTEE June 15—REPORT June 16

GREAT BRITAIN :

	£
(1.) † £1,130,852, Public Education	1,356,852
After long debate, Vote agreed to [219] 1636	
(2.) † £232,170, Science and Art Department ... [219] 1654	278,170
After short debate, Vote agreed to	

COMMITTEE June 25—REPORT June 29

(3.) † £85,442, British Museum ...	102,442
After debate, Vote agreed to [220] 442	

COMMITTEE June 1—REPORT June 2

(4.) † £5,346, National Gallery ...	6,346
(5.) † £1,448, National Portrait Gallery ...	1,748
(6.) † £11,300, Learned Societies ...	13,300
(7.) † £8,361, University of London	9,861
(8.) † £7,697, Endowed Schools Commission ...	9,197

SCOTLAND :

(9.) † £178,057, Public Education ...	213,057
(10.) † £4,845, Board of Education ...	5,845

COMMITTEE June 1—REPORT June 2

(11.) † £15,240, Universities, &c., in Scotland ...	18,240
(12.) † £1,800, National Gallery, Scotland ...	2,100

IRELAND :

(13.) † £455,946, Public Education ...	546,946
(14.) † £555, Commissioners of Education (Endowed Schools) ...	655
After short debate, Vote agreed to [219] 788	

[cont.]

*Supply*—cont.

	Total of Vote. £
<i>Report June 1</i> —Res. postponed—	
<i>Report June 5</i> —Res. further considered, and, after short debate, agreed to [219] 1118	
(15.) † £1,980, National Gallery ...	2,380
(16.) † £1,784, Royal Irish Academy	2,084
(17.) † £3,403, Queen's University ...	4,003
(18.) † £3,476, Queen's Colleges ...	4,176
Moved, "That a sum, not exceeding £3,476, be granted, &c.;" Motion withdrawn [219] 788	
<b>Total ...</b>	<b>£2,577,402</b>

SUPPLEMENTARY 1874-5

COMMITTEE July 27—REPORT July 28

(3.) British Museum ...	3,068
(4.) National Gallery [221] 817	10,395
After debate, Vote agreed to	
(8a.) Sub-Wealden Exploration [221] 823	1,000
After short debate, Vote agreed to	
<b>Total Civil Services, Class IV. ...</b>	<b>£2,591,865</b>

CLASS V.—COLONIAL, CONSULAR, AND OTHER FOREIGN SERVICES.

COMMITTEE June 1—REPORT June 2

(1.) † £213,792, Diplomatic Services	£
Moved, "That a sum, not exceeding £213,792, be granted, &c."	
Moved, "That the Item of £6,000 for Minister to United States be omitted" ( <i>Sir Henry Drummond Wolff</i> ); after debate, A. 2, N. 89; M. 87; Vote agreed to ... [219] 788	255,792
(2.) † £204,574, Consular Services ...	245,574
(3.) † £37,769, Colonies, Grants-in-Aid ...	44,769
(4.) † £2,930, Orange River Territory and St. Helena ...	3,530
(5.) Slave Trade, Commissions for Suppression of ...	122
(6.) † £10,830, Tonnage Bounties, &c.	12,830
(7.) † £4,460, Emigration ...	5,460
(8.) † £15,686, Treasury Chest ...	18,686
<b>Total ...</b>	<b>£586,763</b>

SUPPLEMENTARY 1874-5.

COMMITTEE June 25—REPORT June 29

(3.) Colonies, Grants in Aid [220] 451	35,000
After debate, Vote agreed to	
<b>Total Civil Services Class V. ...</b>	<b>£621,763</b>

CLASS VI. — SUPERANNUATION AND RETIRED ALLOWANCES AND GRATUITIES FOR CHARITABLE AND OTHER SERVICES.

COMMITTEE June 1—REPORT June 2

	£
(1.) † £359,957, Superannuation and Retired Allowances ... [219] 791	430,957
After debate, Vote agreed to	
(2.) † £32,238, Merchant Seamen's Fund Pensions, &c. ...	38,738

[cont.]

<i>Supply</i> —cont.	Total of Vote. £
(3.) † £24,000, Relief of Distressed British Seamen ... ..	29,000
(4.) † £15,760, Hospitals and Infir- maries, Ireland ... ..	18,760
(5.) † £4,148, Miscellaneous Charitable Allowances, &c., Great Britain ...	5,148
(6.) † £4,593, Miscellaneous Charitable Allowances, &c. Ireland ... ..	5,593
<b>Total Civil Services Class VI. ...</b>	<b>£528,196</b>

**CLASS VII.—MISCELLANEOUS, SPECIAL, AND  
TEMPORARY OBJECTS.**

<i>COMMITTEE June 1</i> —REPORT <i>June 2</i>	£
(1.) † £19,102, Temporary Commis- sions ... ..	22,602
(2.) † £2,645, Deep Sea Exploring Expedition ... ..	3,145
(3.) † £4,733, Miscellaneous Expenses ...	5,733
<b>Total ...</b>	<b>£31,480</b>

**SUPPLEMENTARY 1874-5.**

<i>COMMITTEE July 27</i> —REPORT <i>July 28</i>	
(1.) Temporary Commissions ... ..	5,000
(3.) Miscellaneous Expenses [221] 825 After short debate, Vote agreed to	800
(4.) Marriage of Duke of Edinburgh After short debate, Vote agreed to [221] 827	5,883
(5.) Grant to Family of Dr. Living- stone ... ..	4,404
After short debate, Vote agreed to [221] 827	
<b>Total Civil Services Class VII. ...</b>	<b>£47,567</b>

**COMMITTEE April 20**—REPORT *April 21*

SIR GARNET J. WOLSELEY, K.C.B.

Grant to Sir Garnet J. Wolseley, K.C.B., G.C.M.G., as an acknow- ledgment of his eminent services in planning and conducting the expedi- tion into Ashantee [218] 848	£25,000
After short debate, Vote agreed to	

**REVENUE DEPARTMENTS, 1874-75.**

**COMMITTEE June 1**—REPORT *June 2*

Vote I. † £843,246, For the Salaries and Expenses of the Customs De- partment ... ..	1,013,246
Vote II. † £1,401,113, For the Salaries and Expenses of the Inland Revenue Department ... [219] 795	1,681,013
After short debate, Vote agreed to	

[cont.]

<i>Supply</i> —cont.	Total of Vote. £
<b>COMMITTEE June 15</b> —REPORT <i>June 16</i>	
Vote III. † £2,402,423, For Salaries and Expenses of the Post Office Ser- vices, the expenses of Post Office Savings Banks, and of Government Annuities and Insurances, and of the Collection of the Post Office Revenue ... [219] 1654	2,882,423

After debate, Vote agreed to  
Vote IV. † £832,662, For the Post  
Office Packet Service [219] 1661  
Moved, "That a sum, not exceeding  
£832,662, be granted, &c."  
Moved, "That the Item of £490,  
Conveyance of Mails to St. Kitts,  
&c. be reduced by £122 10s." (*Mr.  
Dixon*); after short debate, Motion  
withdrawn; Vote agreed to

998,662

Vote V. † £778,339, For the Salaries and Expenses of the Post Office Tele- graph Service	
Moved, "That a sum, not exceeding £778,339, be granted, &c." Moved, "That a sum, not exceeding £698,000, &c." ( <i>Mr. Dillwyn</i> ); after debate, Motion withdrawn; Vote agreed to ... [219] 1661	938,339

**Total ... £7,513,683**

**SUPPLEMENTARY, COMMITTEE July 27  
REPORT July 28**

3. Salaries and Expenses, Post Office Services ... ..	71,500
5. Salaries and Expenses, Post Office Telegraph Service ... ..	37,687
<b>Total Revenue Departments ...</b>	<b>£7,622,870</b>

**COMMITTEE July 3**—REPORT *July 10*

<b>GREENWICH HOSPITAL AND SCHOOL.</b>	£
Advances during the year ending 31st March 1875 for defraying the expenses of Greenwich Hospital and School ... ..	139,041

**COMMITTEE May 7**—REPORT *May 8*

**ASHANTEE EXPEDITION.**

Towards defraying the expenses, be- yond the ordinary grants, of the ex- pedition into Ashantee [218] 1902	100,000
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**Supreme Court of Judicature Act (1873)  
Amendment Bill [H.L.]**

(*The Lord Chancellor*)

- 218] *l.* Presented; read 1<sup>a</sup>, after debate *May 7*,  
1808 (No. 56)  
219] Read 2<sup>a</sup>, after debate *June 5*, 1837  
Order for the House to be put into Committee,  
read *June 11*, 1859

[cont.]

**Supreme Court of Judicature Act (1873) Amend-  
ment Bill—cont.**

Then it was moved to resolve, "That as it is  
admitted that this House is preferred by  
Scotland and Ireland as their Court of final  
Appeal to any other which has been proposed,  
and as a satisfactory Court of final Appeal  
has not yet been established for England, it

[cont.]

**Supreme Court of Judicature Act (1873) Amendment Bill—cont.**

will be expedient, instead of proceeding to create a new Court for all the three Kingdoms, that the provisions of the Supreme Court of Judicature Act of last session which prohibit Appeal to this House be repealed, and that time be thereby allowed for the adoption of such improvements in the constitution and practice of this House in the discharge of its judicial functions as may remove the objections which have been taken to it as a Court of Judicature, and that the Committee on the Supreme Court of Judicature Act, 1873, Amendment Bill be hereby instructed to amend the same in accordance with this resolution" (*The Lord Redesdale*); after long debate, on Question? Cont. 23, Not-Cont. 52; M. 29; resolved in the negative Then it was moved that the House do now resolve itself into Committee; Motion agreed to; House in Committee accordingly; House resumed

Committee June 16, 1869 (No. 118)  
 220] Report June 22, 217 (No. 128)  
 Moved, "That the Bill be now read 3"  
 June 25, 414  
 Amendt. to leave out ("now,") and insert ("this day three months") (*Lord Denman*); after short debate, on Question, That ("now,") &c.; and there being no second Teller for the Not-Conts., resolved in the affirmative; Bill read 3<sup>a</sup>  
 . Protests thereon, 415  
 c. Read 1<sup>o</sup> (*Mr. Attorney General*) June 29 [Bill 179]  
 . Read 2<sup>o</sup>, after short debate July 7, 1264  
*Scotch Appeals*, Question, Mr. McLaren; Answer, Mr. Disraeli July 9, 1352  
 Order for Committee read; Moved, "That Mr. Speaker do now leave the Chair" July 16, 221] 133  
 Amendt. to leave out from "That," and add "as it is admitted that the House of Lords is preferred by Ireland and Scotland as their final court of appeal to any other that has been proposed, and as a satisfactory court of appeal has not yet been established nor proposed for England, it will be expedient, instead of proceeding to create a new court for all the three kingdoms, that the provisions of the Supreme Court of Judicature Act of last Session which prohibit appeal to the House of Lords be repealed, and that time be thereby allowed for the adoption of such improvements in the constitution and practices of the House of Lords in the discharge of its judicial functions as may remove the objections which have been taken to it as a court of judicature" (*Sir George Bowyer*) v.; Question proposed, "That the words, &c.;" after debate, Amendt. withdrawn; main Question, "That Mr. Speaker, &c.," put, and agreed to; Committee—*a.p.*  
 Question, Observations, Sir Henry James; Reply, The Attorney General July 25, 705  
*The Judicature Bills—Postponement*, Questions, Sir Henry James, Sir William Harcourt; Answers, Mr. Disraeli, The Attorney General July 27, 763; Question, Observations, Sir William Harcourt; Reply, The Attorney General, 788  
 Bill withdrawn \* July 27

**Supreme Court of Judicature Act (1873) Suspension Bill**

(*Mr. Attorney General, Mr. Solicitor General*)  
 c. Ordered; read 1<sup>o</sup> \* July 27 [Bill 235]  
 221] Read 2<sup>o</sup>, after short debate July 31, 1039  
 . Committee; Report; Considered; read 3<sup>a</sup> August 3, 1222  
 l. Read 1<sup>o</sup> (*The Lord Chancellor*) August 4 (No. 231)  
 Read 2<sup>a</sup>; Committee negatived August 5  
 . Read 3<sup>a</sup>, after short debate August 6, 1383  
 Royal Assent August 7 [37 & 38 Vict. c. 83]

**SUTHERLAND, Duke of**

Post Office—Scotland, Mails in the North of, [221] 547

**SYNAN, Mr. E. J., Limerick Co.**

Contagious Diseases (Animals) — Report of Committee (1873), [220] 596  
 Expiring Laws Continuance, 2R. [221] 729; Comm. Schedule, 1021  
 Game Birds (Ireland), 2R. [218] 618  
 Intoxicating Liquors (Ireland) (No. 2), Comm. cl. 5, [220] 211; cl. 12, 999, 1009; cl. 16, 1003; cl. 21, 1005, 1006; cl. 28, 1007; add. cl. 1014, 1016; 3R. 1605  
 Ireland—Lunatic Asylums, [221] 1408  
 Poor Rate Collectors, [220] 299  
 Ireland—Dublin University, Res. [221] 1375  
 Ireland—Kilrea Riots, The, Res. [221] 1413  
 Ireland—National School Teachers, Res. [219] 1295  
 Irish Church Act (Commutation), Motion for a Return, [221] 1109, 1110  
 Irish Fisheries, Res. [218] 1498  
 Irish Reproductive Loan Fund, Consid. [221] 1224  
 Supreme Court of Judicature Act (1873) Amendment, Comm. cl. 2, [221] 156, 169; cl. 9, 165  
 Valuation (Ireland) Act Amendment, 2R. [220] 283  
 Ways and Means—Financial Statement, Res. 3, [218] 687

**TALBOT, Mr. J. G., Kent, W.**

Army—Military Centres—Oxford, Motion for a Committee, [219] 722  
 Army Service in India—81st Regiment, [219] 1583  
 Bank Holidays—Post Office, [221] 1038  
 Education Department—Revised Code, Res. [218] 1718  
 Education, Science and Art—Minister of Education, Motion for a Committee, [219] 1604, 1612, 1614  
 Elementary Education (Compulsory Attendance), 2R. [220] 814  
 Endowed Schools Acts Amendment, Comm. cl. 4, [221] 603; Preamble, 650  
 Intoxicating Liquors, Leave, [218] 1249; 2R. [219] 130; Comm. 999; cl. 2, 1079, 1082; cl. 9, 1115; cl. 12, 1175; Consid. cl. 26, 1732  
 Juries, Comm. cl. 2, Amendt. [219] 285; cl. 5, Amendt. 286, 289; cl. 8, Amendt. 292; cl. 45, Amendt. 295; cl. 77, 807  
 Licensing Act, 1872, [218] 986, 1008

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TALBOT, Mr. J. G.—*cont.*

Parliament—Order of Public Business, [221] 8  
Public Business, [219] 701; [221] 638  
Public Worship Regulation, 2R. [220] 1442;  
[221] 44; Comm. 212; *cl.* 6, 231, 232;  
*cl.* 7, 238; *cl.* 8, 252; *cl.* 9, 885; *add. cl.*  
904  
Valuation of Property, Comm. *cl.* 3, [220] 186

TAYLOR, Mr. D., *Coleraine*

Factories (Health of Women, &c.), Comm. [220]  
313  
Intoxicating Liquors (Ireland) (No. 2), Comm.  
*cl.* 11, [220] 342; *cl.* 12, 1000

TAYLOR, Mr. P. A., *Leicester Bo.*

Army—Lord Sandhurst, Res. [219] 634  
\*Museums, Opening of, on a Sunday, Res. [219]  
482  
Mutiny, Comm. *cl.* 107, Amendt. [218] 701;  
Amendt. 704  
Prince Leopold—Queen's Message, Comm. [221]  
559  
Vaccination Act, 1871, Amendment, 2R. [221]  
836

TEMPLE, Right Hon. W. F. COWPER-,  
*Hants, S.*

Elementary Education (Compulsory Attendance), 2R. [220] 826  
Public Worship Regulation, Comm. *cl.* 8,  
Motion for reporting Progress, [221] 262;  
Amendt. 263, 874; *cl.* 9, 878; Amendt. 879,  
880  
Science and Art Department—Art Schools,  
[220] 1353  
University Female Education, [219] 1526, 1535

Tenant Right (Ireland) Bill (*Mr.*

*Sullivan, Mr. Blennerhassett, Mr. O'Sullivan*)  
*c.* Ordered; read 1<sup>o</sup> April 24 [Bill 82]  
2R. [Dropped]

TENNANT, Mr. R., *Leeds*

Factories (Health of Women, &c.), 2R. [219]  
1450; Comm. *cl.* 4, [220] 318, 322; Amendt.  
325; *add. cl.* 338  
Factory Acts Amendment, 2R. [218] 1789  
Factory and Workshop Acts—Consolidation,  
[220] 158

*The Transit of Venus*

Question, Observations, Earl De La Warr;  
Replies, The Earl of Malmesbury, The  
Earl of Derby June 12, [219] 1475; Question,  
Sir John Hay; Answer, Mr. Hunt  
July 23, [221] 553

THOMPSON, Mr. T. C., *Durham*

Metropolis—Hyde Park and Kensington Gardens, [218] 818  
Parliamentary Elections (Polling), 2R. [218]  
310  
Supply—Board of Trade, [218] 769  
Local Government Board, [218] 776

THYNNE, Lord H. F., *Wiltshire, S.*

Cattle—Foot and Mouth Disease, [219] 851

*Tichborne Prosecution*

Moved, "That there be laid before this House, a Return of the sum expended in relation to the Tichborne Prosecution and all proceedings arising out of and connected therewith or resulting therefrom, and in such Return to specify the amount paid to each witness examined, and also to such persons as were subpoenaed to attend as witnesses, but were not called upon to give evidence" (*Mr. Whalley*) May 8, [218] 2024; after short debate, Motion withdrawn

*Regina v. Castro—Account of Expenditure*  
(*Parl. P. No.* 155)

Moved, "That there be laid before this House, further Returns of the Expenditure on the Tichborne Prosecution, specifying the sums paid to witnesses called who gave evidence, and also to such persons as were subpoenaed or brought to London, but were not called upon to give evidence. And of the sums paid to Officers of the Detective Police Force or others who were employed to obtain evidence, in this Country or elsewhere, in support of the Prosecution" (*Mr. Whalley*) July 23, [221] 610; after short debate, Question put; A. 4, N. 45; M. 41

TIGHE, Mr. T., *Mayo Co.*

Post Office—Mayo, Postal Facilities in, [218]  
1129

TOBB, Mr. J., *Liverpool*

Intoxicating Liquors, Comm. *cl.* 2, [219] 1096;  
Consid. *cl.* 2, 1699  
Juries, Comm. *cl.* 5, Amendt. [219] 288  
Post Office—West India Mail Contract, [219] 73

TORRENS, Mr. W. T. M., *Finsbury*

Army—Military Officers, Removal of, Motion for an Address, [219] 756  
Building Societies, 2R. [218] 1336; Consid. [219] 1742  
Cape of Good Hope—Responsible Government, [219] 700  
East India Loan, 3R. [218] 359  
Endowed Schools Acts Amendment, Comm. *cl.* 1, [221] 522  
India—East India Finance, Appointment of a Select Committee, [218] 337  
India—Nawab Nazim of Bengal, Motion for a Committee, [220] 545  
Intoxicating Liquors, Comm. *cl.* 2, [219] 1031  
Metropolis—Abbey and Palace at Westminster, [218] 1591  
Metropolis—Dwellings of Working People, Res. [218] 1981  
Metropolitan Board of Works, 2R. Amendt. [218] 401  
Palace of Westminster—Clock Tower, [220] 418  
Parliament—Address in Answer to the Speech, Amendt. [218] 68, 91  
New Writs, Issue of, [218] 1845  
Post Office—Herring, Mr., [221] 394  
Public Worship Regulation, 2R. [220] 1441;  
Comm. *cl.* 8, Amendt. [221] 253  
Supply—Post Office Services, [219] 1659

**Towns Improvement Act (1854)**

Question, Mr. O'Sullivan; Answer, Sir Michael Hicks-Beach May 19, [219] 478

**TRAQY, HON. C. R. D. HANBURY-, Mont-gomery, &c.**

Navy—Navigating Officers—Admiralty Circular (1873), [220] 1346

Shipwreck, Saving Life from—Mr. Rogers' Plan, [218] 1409

**Trade Marks, Registration of—Legislation**

Question, Mr. Whitwell; Answer, Sir Charles Adderley May 22, [219] 701

**Tramways Provisional Orders Confirmation Bill [H.L.] (The Lord Dunmore)**

l. Presented; read 1<sup>st</sup> May 8 (No. 50)

Read 2<sup>nd</sup> May 18

Committee June 16

Report June 22

Read 3<sup>rd</sup> June 23

Commons Amendts. (No. 201)

c. Read 1<sup>st</sup> June 29 [Bill 182]

Read 2<sup>nd</sup> June 30

Report; Re-comm. July 22 [Bill 220]

Committee; Report July 24, [221] 703

Read 3<sup>rd</sup> July 27

l. Royal Assent August 7 [37 & 38 Vict. c. clxxxiii]

**Treaty of Washington**

Award of the Mixed Claims Commission, Question, Mr. Bentinck; Answer, Mr. Bourke May 11, [219] 68

The late Mixed Claims Commission, Question, Sir Henry Drummond Wolff; Answer, The Chancellor of the Exchequer July 16, [221] 125

Mixed Claims Commission [1046] [1047]

Oregon Boundary—The Fenian Raids, Observations, Earl Russell May 4, [218] 1569

The Three Rules, Question, Mr. Montagu Scott; Answer, Mr. Bourke May 7, [218] 1840

Correspondence . . . P. P. [1012]

**TREVELYAN, Mr. G. O., Hawick, &c.**

Church Patronage (Scotland), Comm. cl. 3, [221] 702

Household Franchise (Counties), 2R. [219] 206, 259

Intoxicating Liquors, Consid. cl. 13, [220] 110

Legal Departments, Commission on—Report, [218] 1180

**Tribunals of Commerce Bill**

(Mr. Whitwell, Mr. Norwood, Mr. Monk, Mr. Sampson Lloyd, Mr. Ripley)

c. Ordered; read 1<sup>st</sup> Mar 20 [Bill 2]

2R. deferred April 22, [218] 957

Bill withdrawn Mar 27

**Truck System—Masters and Servants—Legislation**

Questions, Mr. Maconald; Answer, Mr. Ascheton Cross April 30, [218] 1406

**TURNER, Mr. C., Lancashire, S.W.**

Juries, Comm. cl. 5, [219] 288

**Turnpike Acts Continuance**

Select Committee appointed, "to inquire into the Twelfth Schedule of 'The Annual Turnpike Acts Continuance Act, 1873'" Mar 27; Instruction to the Committee (Mr. Slater-Booth)

Committee nominated as follows:—Lord George Cavendish (Chairman), Sir Robert Anstruther, Mr. Beach, Mr. Wentworth Beaumont, Mr. Wilbraham Egerton, Mr. McLagan, Mr. Clare Read, Lord Henry Thynne, and Mr. Welby

Report of Select Comm. June 5 (P.P. 305)

**Turnpike Acts Continuance Bill**

(Mr. Clare Read, Mr. Slater-Booth)

c. Ordered; read 1<sup>st</sup> July 1 [Bill 186]

Read 2<sup>nd</sup> July 20

Order for Committee read; Moved, "That Mr. Speaker do now leave the Chair" July 25, [221] 708

Amendt. to leave out from "That," and add "the mode in which expired Turnpike Acts in Scotland have hitherto been dealt with, and which this Bill proposes to follow, is unjust in principle, and ought not to be continued" (Mr. McLaren), v.; Question proposed, "That the words, &c.;" after short debate, Amendt. withdrawn; Main Question, "That Mr. Speaker, &c.," put, and agreed to; Committee; Report

Considered July 27

Read 3<sup>rd</sup> July 28

l. Read 1<sup>st</sup> (Lord Walsingham) July 30 (No. 212)

Read 2<sup>nd</sup> August 4

Committee; Report August 5

Read 3<sup>rd</sup> August 6

Royal Assent August 7 [37 & 38 Vict. c. 95]

**Turnpike Trusts Extinction—Legislation**

Question, Sir George Jenkinson; Answer, Mr. Slater-Booth April 16, [218] 631

**Ulster Tenant Right Bill**

(Mr. Butt, Mr. Richard Smyth, Mr. Mitchell Henry, Sir John Gray, Mr. Downing)

c. Motion for Leave (Mr. Butt) May 5, [218] 1699; after short debate, Motion agreed to; Bill ordered; read 1<sup>st</sup> [Bill 92]

Bill withdrawn August 4

**United States—Custom-House Rules**

Question, Mr. Anderson; Answer, Mr. Bourke July 6, [220] 1082

**Universities (Scotland) Bill**

(Mr. Couper-Temple, Mr. Russell Gurney, Mr. Orr Ewing, Dr. Cameron)

c. Ordered; read 1<sup>st</sup> April 14 [Bill 67]

Bill withdrawn May 11

**Unseaworthy Ships—See title—Merchant Shipping Acts**

**Vaccination Act, 1871, Amendment Bill**  
[H.L.] (*The Lord Walsingham*)

1. Presented; read 1<sup>o</sup> July 9 (No. 161)  
Read 2<sup>o</sup> July 14, [220] 1613  
Committee \* July 17  
Report \* July 20  
Read 3<sup>o</sup> July 21  
Commons Amendts. (No. 211)  
c. Read 1<sup>o</sup> July 23 [Bill 226]  
Read 2<sup>o</sup>, after short debate July 27, [221] 536  
Committee \*; Report July 28  
Considered \*; read 3<sup>o</sup> July 29  
1. Royal Assent August 7 [37 & 38 Vict. c. 75]

*Vaccination Act, 1871—Vaccine Lymph*  
Question, Mr. Meldon; Answer, Sir Michael Hicks-Beach May 4, [218] 1589

**Valuation (Ireland) Act Amendment Bill**  
*Formerly—*

**Valuation (Ireland) [Salaries, &c.] Bill**  
(*Mr. William Henry Smith, Sir Michael Hicks-Beach*)

- c. Considered in Committee; a Resolution agreed to June 2, [219] 919  
Bill ordered; read 1<sup>o</sup> June 4 [Bill 134]  
Read 2<sup>o</sup>, after short debate June 23, [220] 281  
Committee \*—a.r. July 16  
Committee \*; Report July 25  
Considered \* July 27  
Read 3<sup>o</sup> July 28  
1. Read 1<sup>o</sup> (*The Lord President*) July 30  
Read 2<sup>o</sup> August 3 (No. 206)  
Committee \*; Report August 4  
Read 3<sup>o</sup> August 5  
Royal Assent August 7 [37 & 38 Vict. c. 70]

**Valuation of Property Bill**  
See title—**Rating Bill**

**VANCE, Mr. J., *Armagh City***  
Borough Franchise (Ireland), 2R. [221] 1263  
Intoxicating Liquors (Ireland) (No. 2), Comm. cl. 11, [220] 340  
Ireland—Orange Processions—Case of James Mallon, [221] 760  
Irish Judicial Bench—Appointment of Judges, Motion for an Address, [220] 433  
Irish Land Act (1870)—Clerks of the Peace, Salaries to, [220] 1353  
Municipal Franchise (Ireland), 2R. Amendt. [218] 779  
Municipal Privileges (Ireland), 2R. [218] 341  
Spain—Capture of a British Subject, [221] 972  
Supply—Comptroller and Auditor General of the Exchequer, [218] 775

**Vendors and Purchasers of Land Bill—**  
See title **Real Property Vendors and Purchasers Bill**

**VERNER, Mr. E. Wingfield, *Armagh Co.***  
Army—Soldiers' Wives, [219] 1157  
Ireland—Board of National Education—Limerick Model School, [220] 1085  
Donnelly, Arthur, Case of, [219] 173

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**VERNER, Mr. E. Wingfield—cont.**

Irish Fisheries, Res. [218] 1528  
Municipal Privileges (Ireland), Comm. Motion for reporting Progress, [220] 128  
Parliamentary Relations (Great Britain and Ireland)—Home Rule, Motion for a Committee, [220] 922

**VIVIAN, Mr. H. Hussey, *Glamorganshire***  
Parliament—Galway New Writ, [220] 165, 167, 169

Order of Public Business, [221] 6  
Public Worship Regulation, 2R. [221] 82  
Welsh County Court Judges, [220] 538

**Votes at Parliamentary Elections Bill**  
(*Sir Colman O'Loughlen, Lord Francis Conyngham, Captain Nolan*)

- c. Ordered; read 1<sup>o</sup> June 25 [Bill 171]  
2R. debate adjourned July 20

**WADDY, Mr. S. D., *Barnstaple***  
Building Societies, Consid. [219] 1744  
Endowed Schools Acts Amendment, Comm. [221] 428  
Intoxicating Liquors, Comm. cl. 8, [220] 102  
Juries, Comm. cl. 53, [219] 674

**WAIT, Mr. W. K., *Gloucester***  
Army—Auxiliary Forces—Adjutants, [218] 265  
Board of Trade Arbitrations, Inquiries, &c. Comm. add. cl. [219] 453, 455  
Merchant Shipping Act—"Kron Prinz," Stranding of the, [218] 712  
Metropolis—National Gallery—New Building, [218] 629, 1409  
New Courts of Justice, [218] 628  
Public Worship Regulation, Comm. cl. 6, Amendt. [221] 230, 231, 235; cl. 8, Amendt. 256; cl. 13, 891; add. cl. 902

**Wales**

*Courts of Justice—Welsh Interpreters*, Question, Mr. Scourfield; Answer, Mr. Assheton Cross July 6, [220] 1084  
*Welsh County Court Judges*, Observations, Mr. Osborne Morgan; Reply, Mr. Assheton Cross; short debate thereon June 26, [220] 524

**WALPOLE, Right Hon. Spencer H., *Cambridge University***

Intoxicating Liquors, Comm. cl. 2, [219] 1020, 1030  
National Museums—Science Commission, Report of, [218] 269  
Parliament—New Writ—Borough of Stroud, [218] 1941  
Public Worship Regulation, 2R. [221] 63; Comm. cl. 7, 237; Amendt. 241; cl. 8, 257; cl. 9, 887; cl. 19, 896, 897  
Revenue Officers Disabilities, 2R. [218] 964  
Supply—British Museum, [220] 445, 449, 451

**WALSINGHAM, Lord**

Alkali Act (1863) Amendment, 2R. [220] 386 ;  
Comm. *add. cl.* 864, 867 ; Proviso, *ib.*  
Pauper Children, Motion for Returns, [220] 292  
Poor Law—St. Pancras Union—Mortality of  
Young Children, [219] 1674  
Rating, 2R. [221] 281  
Registration of Births and Deaths, 2R. [221]  
1111  
Sanitary Laws Amendment, 2R. [221] 958  
Vaccination Act, 1871, Amendment, 2R. [220]  
1613

**WALTER, Mr. J., Berkshire**

Ancient Monuments, 2R. [218] 584  
Broadmoor Asylum—Criminal Lunatics, [218]  
988  
Intoxicating Liquors, Comm. [219] 1001  
Public Worship Regulation, 2R. [221] 22 ;  
Comm. *cl.* 7, 249 ; *cl.* 9, 877, 883, 885  
Supply—Broadmoor Criminal Lunatic Asylum,  
[219] 354  
Valuation of Property, Comm. *cl.* 3, [220] 654

**WARD, Mr. M. F., Galway**

Endowed Schools Acts Amendment, Comm.  
[221] 416

**Waterford Grand Jury Transfer Bill**

(*Mr. Richard Power, Lord Charles Beresford*)  
*c.* Ordered ; read 1<sup>o</sup> • June 8 [Bill 142]  
Standing Orders not complied with

**WATERLOW, Sir S. H., Maidstone**

Foyle College, Comm. [221] 381  
Friendly Societies, 2R. [220] 273  
Intoxicating Liquors, Comm. *cl.* 19, [219] 1180 ;  
Consid. *cl.* 6, Amendt. 1703  
Juries, Comm. *cl.* 29, [219] 293  
Metropolis — Labourers' Dwellings, Somers  
Town, [218] 814  
•Metropolis—Working People's Dwellings, Res.  
[218] 1967

**WATKIN, Sir E. W., Hythe**

Army—22nd (Cheshire) Regiment, [219] 391  
Controverted Elections—Boston Election Peti-  
tion, [221] 121  
Customs and Inland Revenue, 3R. [219] 657  
Egypt—Consular Jurisdiction and Suez Canal,  
[220] 519  
Intoxicating Liquors, Comm. *cl.* 13, Amendt.  
[219] 1176 ; *cl.* 15, 1177 ; *add. cl.* \*1187,  
1193 ; Consid. *cl.* 13, [220] 106 ; Amendt.  
108, 110  
Joint Stock Companies — Provident Savings  
Banks, [218] 1094  
Leases and Sales of Settled Estates, 2R. [219]  
545  
Navy—Haulbowline, Works at, [220] 444  
Iron-clads, Alteration of, [219] 270  
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399, 417  
Parliament—Count-out, The late, [219] 1304  
Parliament—Business of the House, Res. [219]  
1411

**WATKIN, Sir E.—cont.**

Supply—Post Office Telegraph Service, [219]  
1662  
Rating of Government Property, &c. [221]  
798  
Valuation of Property, 2R. [219] 666 ; Comm.  
*add. cl.* [220] 671  
Workpeople's Compensation, Leave, [218] 1706

**WATNEY, Mr. J., Surrey, E.**

Criminal Law—Convict Service, [219] 616  
Intoxicating Liquors, Comm. *cl.* 2, [219] 1010,  
1086, 1090 ; *cl.* 8, 1109 ; *add. cl.* 1196 ;  
Consid. *cl.* 13, [220] 107  
Metropolitan Buildings and Management Act,  
2R. [218] 1351

**WAVENEY, Lord**

Army—Militia Returns, [221] 287  
Factories (Health of Women, &c.), Comm. *cl.* 10,  
[220] 1618  
Inns of Court, 1R. [220] 1470  
Ireland—Sligo, Leitrim, and Northern Counties  
Railway, Motion for Re-comm. [219] 306  
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Rates, [218] 1405

**WAYS AND MEANS**

**MISCELLANEOUS QUESTIONS**

*The Budget*, Question, Mr. Fawcett ; Answer,  
The Chancellor of the Exchequer July 28,  
[221] 857  
*The Income Tax—Appeals against Surcharges*,  
Question, Mr. Arthur Mills ; Answer, The  
Chancellor of the Exchequer April 23, [218]  
989  
*The Revenue Returns—Post Office and Tele-  
graph Services*, Question, Mr. M'Laren ; An-  
swer, The Chancellor of the Exchequer  
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**Grants in Aid**

*Pauper Lunatics (Scotland)*, Question, Mr.  
Ellice ; Answer, The Chancellor of the  
Exchequer June 26, [220] 510 ; Observa-  
tions, Mr. Ramsay, Mr. Campbell-Banner-  
man ; Reply, The Lord Advocate July 28,  
[221] 873 ; Question, Mr. Grieve ; Answer,  
The Chancellor of the Exchequer July 30,  
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*County Lunatic Asylums (Ireland)*, Question,  
Mr. W. Johnston ; Answer, The Chancellor  
of the Exchequer May 11, [219] 71  
*Borough Police*, Question, Mr. Egerton Hub-  
bard ; Answer, Mr. Assheton Cross June 26,  
[220] 506  
*County Police*, Question, Mr. Salt ; Answer,  
Mr. Assheton Cross May 1, [218] 1493 ;  
Questions, Sir George Jenkinson, General  
Sir George Balfour ; Answers, The Chan-  
cellor of the Exchequer May 14, [219] 271  
*Harbour Police (Scotland) — Contributions*,  
Question, Mr. Grieve ; Answer, Mr. Asshet-  
on Cross July 30, [221] 969  
*Local Taxation — Allowance for Lunatics,  
Rural Police, and Local Authorities*, Ques-  
tion, Mr. Leith ; Answer, The Chancellor  
of the Exchequer April 23, [218] 987 ;  
Questions, Mr. Coope, Mr. Lambert, Mr. W.  
Stanhope ; Answers, The Chancellor of the

[cont.]

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WAYS AND MEANS—cont.

Exchequer *April 27*, 1181; Question, Mr. Wheelhouse; Answer, The Chancellor of the Exchequer *June 5*, [219] 1062; Question, Mr. McLaren; Answer, The Chancellor of the Exchequer *May 11*, 72; Question, Mr. O'Sullivan; Answer, The Chancellor of the Exchequer *May 14*, 272; Question, Mr. Pell; Answer, Mr. W. H. Smith *July 2*, [220] 873

*Farmers' Carts—Shepherds' Dogs (Scotland)*, Question, Viscount Macduff; Answer, The Chancellor of the Exchequer *Mar 31*, [218] 483

*France—Refined Sugar*, Question, Mr. Coope; Answer, The Chancellor of the Exchequer *May 21*, [219] 620

*The Sugar Duties*, Question, Mr. Grieve; Answer, The Chancellor of the Exchequer *April 17*, [218] 717; *April 20*, 817; Question, Mr. Samuda; Answer, The Chancellor of the Exchequer *April 23*, 990

*Sugar Duties—International Convention, 1864*, Question, Mr. Ritchie; Answer, The Chancellor of the Exchequer *July 13*, [220] 1519

*Importation of Sugar*, Question, Sir John Hay; Answer, The Chancellor of the Exchequer *July 23*, [221] 552

*Income Tax*—See that title

*Inland Revenue—Mixing Spirits*, Question, Mr. O'Sullivan; Answer, The Chancellor of the Exchequer *June 9*, [219] 268

*Stamp Acts—Railway Stocks and Debentures*, Question, Mr. Heygate; Answer, The Chancellor of the Exchequer *May 21*, [219] 619

*Taxation of Beer, &c., in Foreign Countries*, Question, Mr. Dodson; Answer, The Chancellor of the Exchequer *Mar 23*, [218] 232

*Malt Tax*, Amendt. on Committee of Supply *April 23*, To leave out from "That," and add "in the opinion of this House, the Malt Tax ought to be reduced" (*Mr. Joshua Fielden*) v., [218] 1021; Question proposed, "That the words, &c.;" after short debate, Question put; A. 244, N. 17; M. 227

WAYS AND MEANS

Resolved, That this House will To-morrow resolve itself into a Committee to consider of the Ways and Means for raising the Supply to be granted to Her Majesty *Mar 20*

218] Considered in Committee *April 16*, 634—Financial Statement of the Chancellor of the Exchequer on moving the First Resolution—

1. That the Duties of Customs now chargeable on the under-mentioned goods upon their importation into Great Britain or Ireland shall cease and determine on and after the respective dates hereinafter mentioned (that is to say):

On Sugar, viz.

Candy, Brown, or White;

Refined Sugar, or Sugar rendered by any process equal in quality thereto;

Manufactures of Refined Sugar;

on and after the twenty-first day of May, one thousand eight hundred and seventy-four:

And on Sugar, viz.

Not equal to Refined—

First Class;

WAYS AND MEANS—cont.

Second Class;

Third Class;

Fourth Class (including Cane Juice);

Molasses;

Almonds, Past of;

Cherries, Dried;

Comfits, Dry;

Confectionery, not otherwise enumerated;

Ginger Preserved;

Marmalade;

Succadoes, including all Fruits and

Vegetables preserved in Sugar, not otherwise enumerated;

on and after the first day of May, one thousand eight hundred and seventy-four

Resolutions [Sugar Duties] moved, and, after debate, agreed to

218] Resolutions reported *April 23*, 991

After long debate, First Resolution amended, and agreed to

Second Resolution [Preserved Plums] disagreed to

Subsequent Resolutions agreed to

. Considered in Committee *April 23*, 1041

Resolution I.—Income Tax—

Par. 1. "For every Twenty shillings of the annual value or amount of all such Property, Profits, and Gains (except those chargeable under Schedule (B) of the said Act) the Rate or Duty of Two Pence

Amendt. (*Mr. Laing*) that the Rate be Three Pence (not moved)

Proviso "Subject to the provisions contained in sec. 12 of the Act of 35 & 36 Vict. cap. 20, for the Exemption of Persons whose whole Income from every source is under One Hundred Pounds a-year, and relief of those whose Income is under Three Hundred Pounds a-year"

Amendt. to leave out from "Subject to the provisions," to the words "Three Hundred Pounds a-year," and add "That the exemptions provided for in the twelfth section of the Act of thirty-fifth and thirty-sixth Victoria be extended to persons whose incomes do not exceed Two Hundred Pounds a-year; and that from all Incomes above Two Hundred Pounds a-year, and not exceeding Five Hundred Pounds a-year, One Hundred Pounds be deducted before the tax is charged" (*Sir James Lawrence*) v. 1056; Question proposed, "That the words, &c.;" after debate, Question put; A. 255, N. 139; M. 116; original Question put, and agreed to

Res. 2. Moved, "That, on the first day of January one thousand eight hundred and seventy-five, the following duties of Exise shall cease to be payable (that is to say):—

"On Licences to keep Horses or Mules;

"On Race Horses;

"On Licences for exercising or carrying on the trade of a Horse Dealer"

Amendt. moved, to insert after "That on" the words "and after" (*Sir George Jenkinson*); after short debate, Question, "That those words be there inserted," put, and negatived; Res. agreed to, 1559

Res. 3. Duties on Tea, agreed to

[cont.]

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WAYS AND MEANS—*cont.*

- Res. 4. Inland Revenue, Moved, "That it is expedient to amend the Laws relating to the Inland Revenue;" Res. agreed to  
 Moved, "That it is expedient that the Gun Licence Act, 1870, be repealed" (*Mr. James Barclay*); after short debate, Question put;  
 218] A. 48, N. 256; M. 208, 1061  
 Resolutions reported April 27, amended and agreed to, and Bills ordered thereon  
 Considered in Committee—Resolved, That it is expedient to amend the Acts relating to the Customs April 28; Resolution reported, and agreed to April 29, 1891  
 221] Considered in Committee July 27, 845; (£25,497,568, Consolidated Fund)  
 Resolution reported July 28

SUMMARY.

WAYS AND MEANS.

GRANTS OUT OF THE CONSOLIDATED FUND.

	£	s.	d.	£	s.	d.
For the service of the years ending 31st March 1873 and 1874;						
Under Act 37 Vic. cap. 1 ... ..	1,422,797	14	6			
For the service of the year ending 31st March 1875; viz.						
Under Act 37 Vic. cap. 2 ... ..	7,000,000	0	0			
Under Act 37 Vic. cap. 10 ... ..	13,000,000	0	0			
Under this Act ... ..	25,497,568	0	0			
	45,497,568	0	0			
Total ... ..	£46,920,365	14	6			

*Weights and Measures*

- Inspection by the Police*, Question, Mr. Goldney; Answer, Sir Charles Adderley Mar 26, [218] 338  
*Legislation*, Question, Mr. Sampson Lloyd; Answer, Sir Charles Adderley May 7, [218] 1839

WELBY, Mr. W. E., *Lincolnshire, S.*

- Balloon, Fatal Fall from a, [220] 1623  
 Intoxicating Liquors, Comm. cl. 2, [219] 1075;  
 Consid. Amendt. [220] 92, 93  
 Post Office—Halfpenny Book Post, [220] 419

*Wellingborough, Burial Board of*

- Question, Mr. Carter; Answer, Mr. Assheton Cross June 25, [220] 419

*Wellington Monument, The*

- Question, Mr. Goldsmid; Answer, Lord Henry Lennox May 4, [218] 1584; Observations, Mr. Goldsmid; Reply, Lord Henry Lennox; short debate thereon June 25, [220] 425

Wenlock Elementary Education Bill [M.]  
 (The Lord Wenlock)

1. Presented; read 1<sup>o</sup> June 4 (No. 84)  
 Read 2<sup>o</sup> June 8  
 Committee<sup>o</sup>; Report June 9  
 Read 3<sup>o</sup> June 12  
 2. Read 1<sup>o</sup> (General Forester) June 15 [Bill 151]  
 Moved, "That the Bill be now read 2<sup>o</sup>" June 22, [220] 283  
 Amendt. to leave out "now," and add "upon this day three months" (*Mr. A. Brown*); Question proposed, "That 'now,' &c.;" after short debate, Question put; A. 141, N. 57; M. 84  
 Main Question put, and agreed to; Bill read 2<sup>o</sup> Committee<sup>o</sup>; Report July 6  
 Read 3<sup>o</sup> July 7  
 3. Royal Assent July 30 [37 & 38 Vict. c. 39]

*West African Settlements*—See title *Africa*

WHALLEY, Mr. G. H., *Peterborough*

- Africa—East Coast of—Slave Trade, [220] 1470  
 Board of Trade (Marine Department), [218] 1690  
 Endowed Schools Acts Amendment, Comm. cl. 1, [221] 507, 508  
 Gibraltar and Malta, Church in, [220] 700  
 Navy—Admiral Eardley Wilmot, [220] 1624  
 Parliament—Dissolution and General Election—Vote of Censure, Res. [218] 1112, 1127  
 Parliament—Privilege—Committal of a Member for Contempt, [218] 101, 105  
 Public Health Act—Water Supply, [218] 1927  
 Registration of Births and Deaths, Comm. cl. 38, [221] 610  
 Sanitary Acts—Water Supply, [221] 131  
 Sanitary Laws Amendment, Comm. cl. 33, [220] 1498  
 Supply—Surveys of the United Kingdom, [218] 1140  
 Supreme Court of Judicature Act (1873) Amendment, Comm. cl. 10, [221] 166; cl. 12, 172  
 Tichborne Prosecution, Motion for Returns, [218] 2024, 2026; [221] 610  
 Welsh County Court Judges, [220] 538  
 Whalley, Mr., Imprisonment of, for Contempt of Court, Res. [219] 160; Motion for a Select Committee, 201, 203

WHARNCLIFFE, Lord

- Church Patronage (Scotland), 1R. [219] 388  
 Intoxicating Liquors, Comm. cl. 32, Amendt. [220] 1215

WHEELHOUSE, Mr. W. St. James, *Leeds*

- Army—Volunteer Corps, Allowances to, [220] 301  
 Bank Holidays Act—Money Order Office Department, [218] 268  
 Endowed Schools Acts Amendment, 2R. [220] 1658  
 Friendly Societies, Leave, [219] 1219; 2R. [220] 272  
 Innkeepers Liability, 2R. [219] 204

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